

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

290

CRM-M-18583-2023

Date of decision: 08.11.2023

Daljit Singh @ Daljit Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dhawaljeet Dutta, Advocate
for the petitioners.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Abhishek Kathpal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition is for quashing of FIR No.42 dated 29.05.2017 under Sections 452, 323, 148 and 149 of the IPC registered at Police Station Qila Lal Singh Batala, District Gurdaspur along with all consequential proceedings arising therefrom including judgment/order of conviction dated 02.02.2023 passed by JMIC, Batala on the basis of compromise dated 10.03.2023 (Annexure P-3).

2. Learned counsel for the petitioners submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioners in above mentioned case FIR. In support of his submissions, he has placed reliance upon judgment of this Court in ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102*** and Hon'ble Supreme Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh'***

decided on 25.10.2021 : LL 2021 SC 589 wherein it has been held that the powers of the Court under Section 482 of the Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at the post conviction stage.

3. Vide order dated 24.08.2023 of this Court, the parties were directed to appear before the Lower Appellate Court on 28.09.2023 to get their statements recorded regarding the compromise arrived at, between them.

4. Report has since been received from learned Judicial Magistrate 1st Class, Batala, in pursuance of the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and respondent No.2 has also made statement to the effect that he would have no objection if the FIR *qua* the petitioners is quashed.

5. The learned Judicial Magistrate 1st Class, Batala has annexed statements of the parties in original alongwith his report.

6. In view of the report of the learned Judicial Magistrate 1st Class, Batala and the principles laid down by the Apex Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh'*** ***decided on 25.10.2021 : LL 2021 SC 589*** and this Court in ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising therefrom

including judgment/order of conviction dated 02.02.2023 passed by JMIC, Batala, are quashed qua the petitioners.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

08.11.2023

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No