

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRM-M-21786-2023

Date of Decision:22.05.2023

Azad Singh

.....Petitioner

Vs.

Pala Ram

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Devender S. Punia, Advocate
for the petitioner.

Mr. A.K. Kansal & Mr. Shadab Ahmad, Advocates
for respondent/complainant.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of criminal complaint No.RBT-D-60 of 2011 dated 05.12.2011 registered under Sections 406, 408, 420, 467, 468, 471, 120-B of the IPC (Annexure P-1) along with subsequent proceedings arising therefrom, on the basis of compromise dated 28.02.2023 (Annexure P-4).

2. Learned counsel for the petitioner contends that petitioner has been convicted by Trial Court vide judgment dated 09.03.2016/10.03.2016 under Section 420 of the IPC and sentence to undergo maximum rigorous imprisonment for 10 days in addition to fine of ₹1,00,000/- with default sentence. Prayer is made to quash the judgment of conviction and order of sentence.

3. Learned counsel has referred to *“Ramgopal and another v.*

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State of Madhya Pradesh” 2021 SCC Online SC 834, to contend that criminal proceedings involving non-heinous offences or where offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has been concluded and appeal stands dismissed against conviction, under extraordinary powers enjoined upon the High Court under Section 482 Cr.P.C.

4. This Court vide order dated 02.05.2023 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

5. Pursuant to the aforesaid order, parties have appeared before Learned Additional Chief Judicial Magistrate and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 16.05.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

6. Learned State counsel concedes the factum of the compromise amongst the parties and has no objection to allow the petition and set aside the impugned judgment of conviction and order of sentence on account of the compromise having been effected between the parties.

7. Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in Ramgopal’s case (*supra*), the impugned judgment of conviction and order of sentence, are hereby set aside on account of the compromise between the parties.

8. In view of the compromise between the parties, this petition is

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allowed and RBT-D-60 of 2011 dated 05.12.2011 registered under Sections 406, 408, 420, 467, 468, 471, 120-B of the IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 28.02.2023 (Annexure P-4), are quashed qua the petitioner.

May 22, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No