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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-20209-2023

Date of decision :22.08.2023

DHARAM SINGH AND ORS

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. A.K. Khunger, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. A.K. Ranolia, Advocate
for respondent Nos.2 and 3.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for quashing of FIR No.177 dated 19.11.2014 (Annexure **P-1**) registered under Sections 323, 324, 427, 148, 149 IPC (Sections 325, 326 IPC added subsequently) at Police Station Dasuya, District Hoshiarpur and all consequential proceedings as well as Judgment of Conviction dated 26.07.2022 passed by JMJC Dasuya, on the basis of compromise dated 17.03.2023 (Annexure P-3) arrived at between the parties.

Vide order dated 24.04.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 17.03.2023 (P-3) and the Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

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Pursuant to the order dated 24.04.2023 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Dasuya and as per the report dated 21.06.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence.

The Hon'ble Supreme Court in "***Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***", has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***".

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019***

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and Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the learned Judicial Magistrate 1st Class, Dasuya accompanied by statements of both the parties, the FIR No.177 dated 19.11.2014 (Annexure **P-1**) registered under Sections 323, 324, 427, 148, 149 IPC (Sections 325, 326 IPC added subsequently) at Police Station Dasuya, District Hoshiarpur along with all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction dated 26.07.2022 passed by JMIC Dasuya are hereby quashed qua the petitioners, only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.08.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No