

CRM-M-3831-2018(O&M)

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3831-2018 (O&M)

Date of decision: August 07, 2023

Parveen @ Pardeep @ Teku and others

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate for petitioners.

Ms. Guramrit Kaur, DAG Punjab.

Mr. Harkirat Singh Saini, Advocate for respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') on the basis of compromise dated 20.12.2017 (Annexure P-4), which is stated to have been entered into between the parties seeking quashing of FIR No.260 dated 11.05.2007, under Sections 323, 324, 452, 506, 148 read with Section 149 of IPC, registered at Police Station, City Karnal, District Karnal and proceedings subsequent thereto, and for setting aside judgment/ order dated 10/11.02.2015 (Annexure P-2) passed by learned Chief Judicial Magistrate, Karnal convicting the petitioners under Sections 323, 324, 452, 506, 148 read with Section 149 of IPC and sentencing them to undergo Rigorous Imprisonment for a period of 2 years.

2. Since quashing was sought on the basis of compromise, this Court on 22.02.2018 had directed the parties to appear before the lower Appellate Court for recording of their statements in support of the compromise/ settlement. A veracity report was also called for.

3. Placed on record is a report dated 05.04.2018 of learned Additional District and Sessions Judge, Karnal. A perusal of the same would reveal that the statements of the complainant /respondent No.2 as also of the accused/ petitioners herein were duly

recorded and it was opined that a compromise had been arrived and was genuine, voluntarily and without any coercion or under influence. The report is accompanied by the statements of the parties which were duly recorded.

3.1. Vide order dated 04.04.2019, a co-ordinate Bench of this Court had passed following order:

“A perusal of the petition show that it has been filed on behalf of Parveen @ Pardeep @ Teku, Padam, Sanjeev, Sunil and Sunny, who were convicted in criminal case No.861 of 2012 vide judgment dated 10.02.2015 passed by the Chief Judicial Magistrate, Karnal and were sentenced to undergo imprisonment for a period of 02 years along with fine.

A perusal of the report submitted by the Additional Sessions Judge, Karnal, states that 03 persons namely Sunil, Manoj and Rajesh were acquitted by the trial Court and 02 persons namely Jaspal and Sunil were convicted, however, this fact is not correct according to the judgment passed by the trial Court.

List again on 02.08.2019.

The Additional Sessions Judge, Karnal is directed to submit a fresh report clarifying the aforesaid position on or before the next date of hearing.”

3.2. Pursuant thereto, learned Additional District and Sessions Judge, Karnal has submitted its report dated 29.04.2019. Relevant part of the same reads thus:

“As per the directions of the Hon'ble High Court, I have gone through the case file of the lower court record and perusal of the same shows that a cross case bearing FIR No.260 dated 11.05.2007 under Sections 148,149,323,324,452 and 506 of IPC was registered with the Police Station City, Karnal. In the said FIR, the accused persons as well as complainant party were challaned. After conclusion of the trial, the said criminal case was decided by the learned court of Shri Amit Kumar Garg, the then learned CJM, Karnal vide two separate judgments dated 10.02.2015/11.02.2015 i.e. one criminal case bearing no.861 of 2012 titled as "State versus Padam etc." and another criminal case bearing no.862 of 2012 titled as State versus Sushil @ Shila etc.

It is further submitted that to further clarify the position of this case, both the parties of this criminal case as well as their counsels were called in the court and their fresh statements to this effect were also recorded separately in this court on 19.04.2019. (copies of statements of both the parties i.e. accused persons of both the above mentioned cases are attached with this report).

It is further submitted that in criminal case bearing no.861 of "State versus Padam etc." decided 2012 titled as 10.02.2015/11.02.2015, there were six accused persons namely:

1. *Padam Singh son of Prithvi Singh,*
2. *Sanjeev son of Prithvi Singh, both residents of House No.385, Lal Kuwan, Jundia Gate, Karnal.*
3. *Sunil son of Ramesh Kumar, resident of Ibrahim Mandi, House No. 262, Near Deepak Book Company, Raghunath Temple, Karnal.*
4. *Pardeep alias Teku son of Ishwar Singh, resident of Lal Kuwan, Jundla Gate, Karnal.*

5. Sunny son of Pardeep Kumar, resident of Lal Kuwan, Jundla Gate, Karnal.
6. Rajesh son of Prem Singh. Resident of Dadupur, Police Station Sadar, Karnal. (Died and proceedings dropped).

During the trial of this case, one of the accused namely Rajesh son of Prem Singh Resident of Dadupur, Police Station Sadar, Karnal had been expired and the proceedings against this accused were ordered to be dropped by the learned trial court vide order dated 11.07.2012. After conclusion of the trial, the remaining five accused persons namely 1. Padam Singh son of Prithvi Singh, 2. Sanjeev son of Prithvi Singh, both residents of House No.385, Lal Kuwan, Jundla Gate, Karnal, 3. Sunil son of Ramesh Kumar, resident of Ibrahim Mandi, House No. 262, Near Deepak Book Company, Raghunath Temple, Karnal, 4. Pardeep alias Teku son of Ishwar Singh, resident of Lal Kuwan, Jundla Gate, Karnal, 5. Sunny son of Pardeep Kumar, resident of Lal Kuwan, Jundla Gate, Karnal, out of the six accused persons were held guilty, convicted and sentenced under Sections 148,323,324,452 and 506 IPC accordingly by the learned court of Shri Amit Kumar Garg, the then learned CJM. Karnal vide judgment dated 10.02.2015/11.02.2015 passed in criminal case bearing no.861 of 2012.

It is further submitted that in criminal case bearing no.862 of 2012 titled as "State vs. Sushil @ Shila etc." decided on 10.02.2015/11.02.2015, there were five accused persons namely:

1. Sushil @ Shila son of Babu Ram, resident of Khurd Mandi, Chaura Bazar, Kamal.
2. Manoj @ Vicky son of Roshan Lal, resident of Lal Kuwan, Jundla Gate, Karnal.
3. Jaspal @ Jassa son of Lal Singh, resident of House No. 327, Khatrian Mohalla, Karnal.
4. Sunil @ Shillu son of Lal Singh, resident of House No. 327, Khatrian Mohalla, Karnal.
5. Rajesh son of Phool Singh, Kot Mohalla, Karnal.

After conclusion of the trial, three accused persons namely 1. Sushil @ Shila son of Babu Ram, resident of Khurd Mandi, Chaura Bazar, Karnal, 2. Manoj @ Vicky son of Roshan Lal, resident of Lal Kuwan, Jundla Gate, Karnal, 3. Rajesh son of Phool Singh, Kot Mohalla, Karnal, out of the five accused persons were acquitted whereas the remaining two accused persons namely Jaspal @ Jassa son of Lal Singh, resident of House No.327, Khatrian Mohalla, Karnal and Sunil @ Shillu son of Lal Singh, resident of House No. 327, Khatrian Mohalla, Karnal, out of the above named five persons were held guilty convicted and sentenced under Sections 323,324,452 and 506 IPC accordingly by the learned court of Shri Amit Kumar Garg, the then learned CJM, Karnal vide judgment dated 10.02.2015/11.02.2015 passed in criminal case bearing no.862 of 2012."

3.3. Learned counsel appearing on behalf of respondent No.2 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question. The above report is in consonance with the judgment dated 10/11.02.2025 (Annexure P-2).

4. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A

reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled *Ramgopal and anr. V. The State of Madhya Pradesh*¹, a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*², *Sunder and another versus State of Haryana and others*³, *Gurjit Singh and another versus State of Punjab and others*⁴ and *Bhan Singh and others versus State of Punjab and others*⁵.

5. Adverting back to the facts of the present case, it is apparent that the compromise has been arrived at between the parties without any coercion.

6. In the considered view of this Court, it would be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

7. For the reasons recorded above, the present petition is allowed. FIR No.260 dated 11.05.2007, under Sections 323, 324, 452, 506, 148 read with Section 149 of IPC, registered at Police Station City Karnal, District Karnal and subsequent proceedings thereto, as also judgment/ order dated 10/11.02.2015 (Annexure P-2) passed by learned Chief Judicial Magistrate, Karnal convicting petitioners under Sections 323, 324, 452, 506, 148 read with Section 149 of IPC and sentencing them to undergo the terms of Rigorous Imprisonment stand quashed.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 07, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012
²2007 (3) RCR (Criminal) 1052
³2015 (26) R.C.R. (Criminal) 639
⁴ 2020 (4) R.C.R. (Criminal) 549
⁵ CRM-M-20712-2019, decided on 19.04.2022