

278/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20765-2023

Date of decision: 23.08.2023

Sandeep Singh Mann and others

...Petitioners

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sarju Puri, Advocate
 for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Ms. Kudrat Sareen, Advocate
for respondent No.2/complainant.

N.S.Shekhawat J.

1. The petitioners have filed the present petition with a prayer to quash the proceedings arising out of FIR No.111 dated 25.09.2013 (Annexure P-1), registered under Section 394 IPC (Later on converted under Section 397 IPC), at Police Station Sadar, SBS Nagar, District SBS Nagar alongwith all consequential proceedings arising therefrom on the basis of the compromise deed dated 17.04.2023 (Annexure P-4) executed between the parties as also the affidavit (Annexure P-5) submitted by respondent No.2/complainant.

2. Learned counsel for the petitioners submits that initially the above mentioned FIR No.111 dated 25.09.2023 under Section 394 IPC was registered at Police Station Sadar, SBS Nagar, on the basis of the statement made by respondent No.2. After conclusion of the investigation, a final report under Section 173 Cr.P.C. was presented by the police and the petitioners were tried

by the Court of learned Sessions Judge, SBS Nagar. Vide judgment of conviction and order of sentence dated 18.07.2014, the Court of learned Sessions Judge, SBS Nagar, convicted the petitioners under Section 397 IPC and were sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.5,000/-. The petitioners had filed an appeal i.e. CRA-S-3279-SB-2014 titled as Sandeep Singh Mann and others Vs. State of Punjab, before this Court, which is lying admitted. In the meantime, the petitioners and respondent No.2/complainant entered into a written compromise dated 17.04.2023 (Annexure P-4) and respondent No.2/complainant also sworn an affidavit dated 17.04.2023 (Annexure P-5), in support of the compromise deed. In fact, both the parties had decided to make a fresh start in life by putting an end to the criminal litigation. All the disputes between the parties were resolved and petitioners No.2 and 3 as well as respondent No.2/complainant wanted to go abroad for finding some job there and are slated to leave India soon.

3. Vide order dated 26.04.2023, a Co-ordinate Bench of this Court had directed the petitioners as well as respondent No.2/complainant to appear before the trial Court/Area Magistrate for recording of their statements with regard to the compromise/settlement deed 17.04.2023 (Annexure P-4).

4. In compliance of the said order passed by this Court, the parties appeared before the Court of Judicial Magistrate 1st Class, SBS Nagar on 01.07.2023 and got their statements recorded with regard to the compromise effected between them. After recording their statements, the Judicial Magistrate, held that the compromise was genuine, voluntary, without any coercion and without any undue influence and the same was effected with free will and

consent of the parties. The Court also submitted a report before this Court and it was submitted that the compromise was genuine between the parties and no person had been declared as proclaimed offender in the present FIR. Learned counsel for the petitioners submits that since the parties have amicably resolved all their disputes, no purpose would be served by keeping the proceedings alive in the present case and it would be in the interest of justice to quash the proceedings arising out of the FIR (Annexure P-1).

5. 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***”.

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

7. In view of the law laid down by the Hon'ble Supreme Court and also the report dated 22.08.2023 submitted by Judicial Magistrate 1st Class, SBS Nagar, the present petition deserves to be allowed and the impugned FIR No.111 dated 25.09.2013 (Annexure P-1), registered under Section 394 IPC (Later on convicted under Section 397 IPC), at Police Station Sadar, SBS Nagar, District SBS Nagar and the judgment dated 18.07.2014, passed by Sessions Judge, SBS Nagar (Annexure P-2) alongwith all subsequent proceedings arising therefrom on the basis of the compromise deed dated 17.04.2023 (Annexure P-4), are hereby quashed qua the present petitioners.

8. The present petition stands disposed of.

9. Pending application, if any, is also disposed of.

23.08.2023

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(N.S.SHEKHAWAT)
JUDGE

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