

CRM-M-23003 of 2022 (O&M)

2023:PHHC:074354

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23003 of 2022 (O&M)

Date of decision: 22.05.2023

DHARMINDER SINGH AND OTHERS

... PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Surjit Singh Salar, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab

Mr. Gaurav Datta, Advocate with
Ms. Rishu Bajaj, Advocate for respondent No. 2.

JASJIT SINGH BEDI, J. (ORAL)

CRM-40061-2022

The application for placing on record the
compromise/settlement on behalf of respondent No. 2, as Annexure R-1, is
allowed, subject to just exceptions.

CM stands disposed of and the same is taken on record.

CRM-M-23003 of 2022

The Prayer in this petition is for quashing of FIR No.134 dated
16.10.2016 (Annexure P-1) under Sections 295, 379, 447, 506, 34 IPC

(Section 511 IPC added later on) registered at Police Station Sirhind, District

Fatehgarh Sahib and all consequential proceedings as well as the judgment and order of conviction dated 06.08.2019 (Annexure P-2) passed by the Chief Judicial Magistrate, Fatehgarh Sahib, on the basis of compromise dated 18.05.2022 (Annexure P-3) arrived at between the parties.

Vide order dated 26.05.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 26.05.2022 with regard to the compromise dated 18.05.2022 (P-3).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 26.05.2022 passed by this Court, the parties have appeared before Ms. Dipti Goyal, PCS, Addl. Chief Judicial Magistrate, Fatehgarh Sahib and as per the report dated 05.09.2022 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".

In view of the aforesaid report of the Additional Chief Judicial Magistrate, Fatehgarh Sahib accompanied by statements of both the parties, the FIR No.134 dated 16.10.2016 (Annexure **P-1**) under Sections 295, 379, 447, 506, 34 IPC (Section 511 IPC added later on) registered at Police Station Sirhind, District Fatehgarh Sahib and the judgment of conviction dated 06.08.2019 (Annexure **P-2**) along with all consequential proceedings arising therefrom including the appeal proceedings, if any, are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.05.2023
manoj

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