

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-27919-2021

Date of Decision:21.04.2023

Sarwar @ Sarvar

.....Petitioner

Vs.

State of Haryana and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

None for respondent Nos.2 & 3.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.463 dated 11.11.2014 registered under Sections 323, 324/34 of the IPC registered at Police Station Tauru, District Nuh and all subsequent proceedings arising therefrom on the basis of compromise dated 08.07.2021 (Annexure P-3).

2. Learned counsel for the petitioner contends that petitioner has been convicted by Trial Court vide judgment dated 05.01.2018 under Sections 323, 324/34 of the IPC and sentence to undergo maximum rigorous imprisonment for 2 years in addition to fine of ₹6,000/- with default sentence. Against the said judgment of conviction and order of sentence, petitioner has filed appeal before Learned Sessions Court bearing CRA-18/2018, which is pending adjudication. Prayer is made to quash the

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judgment of conviction and order of sentence.

3. Learned counsel has referred to ***“Ramgopal and another v. 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 23.07.2021 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 Judicial Magistrate 1st Class and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 15.02.2022 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.

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8. In view of the compromise between the parties, this petition is allowed and F.I.R. No.463 dated 11.11.2014 registered under Sections 323, 324/34 of the IPC registered at Police Station Tauru, District Nuh and all subsequent proceedings arising therefrom on the basis of compromise dated 08.07.2021 (Annexure P-3), are quashed qua the petitioner.

April 21, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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