

CRM-6460-2019
IN/AND CRR-2789-2012

1

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-6460-2019
IN/AND CRR-2789-2012 (O&M)
Date of Decision: 30.11.2023

ASHOK SINGH AND OTHERS

...Petitioners

VS.

STATE OF PUNJAB

...Respondent

CRR-3060-2012 (O&M)
Date of Decision: 30.11.2023

SUCHA SINGH & ORS

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.P.S. Shrgill, Advocate
for the applicants/petitioners in CRR-2789-2012.

Mr. Akash Soni, Advocate
for the applicants/petitioners in CRR-3060-2012.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

CRM-6460-2019

This is an application filed under Section 482 of Cr.P.C. for taking up the main case i.e. CRR-2789-2012 and the cross case i.e. CRR-3060-2012 for final adjudication in view of the Compromise Deed Annexure A-1 dated 23.10.2018 already placed on record vide this Court's order dated 02.11.2018.

The applicants have already placed on record the compromise Deed and the present petitioners as well as the petitioners in cross case i.e.

CRM-6460-2019

IN/AND CRR-2789-2012

2

CRR-3060-2012 have effected compromise amongst themselves. In view of the facts mentioned in the application, same is allowed and the main cases i.e. CRR-2789-2012 and CRR-3060-2012 are taken on board today itself.

CRR-2789-2012 and CRR-3060-2012

1. In pursuance of the order passed by this Court on 05.03.2019, the statement of the parties were recorded in terms of the compromise and a report of the learned Judicial Magistrate Ist Class, Moga dated 19.04.2019 indicates that the petitioners in both the cases have effected compromise amongst themselves during the pendency of the present petitions and the compromise is genuine and without any coercion.

2. Learned Deputy Advocate General, Punjab on instructions from the Investigating Officer admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in *Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R.

Krishna Iyer, has held as under:-

CRM-6460-2019
IN/AND CRR-2789-2012

3

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

5. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Cr1.) 1052**, both petitions are allowed and the impugned judgments dated 04.09.2012 passed by learned Sessions Judge, Moga affirming the judgments of conviction and orders of sentence dated 19.05.2009 passed by learned Judicial Magistrate Ist Class, Zira as version and cross-version arising out of the FIR No. 73 dated 24.05.1996 under Sections 326, 324, 325, 323, 148 and 149 of Indian Penal Code registered at Police Station Dharamkot, District Moga are hereby quashed. All the petitioners namely Ashok Singh, Amarsurjit Singh @ Maini, Achhar Singh, Balkaran Singh @ Kannu, Harvinderjit Singh @ Sukhwinder Singh in CRR-2789-2012 as well as all the petitioners namely Sucha Singh, Attar Singh and Balwinder Singh in CRR-3060-2012 are acquitted of the charges framed against them. Their bail bonds and surety bonds stand discharged.
7. Pending CRM(s), if any, also also disposed of accordingly.

30.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No