

CRR-1876-2017 (O&M)

-1-

243

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1876-2017 (O&M)

Date of Decision: 22.03.2023

AGYAPAL @ AGYAPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CRR-2120-2017 (O&M)

SAWINDER KAUR & ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Kashyap, Advocate
for the petitioner(s) in both the petitions.

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. Rajinder Kumar, Advocate
for respondent Nos.2 and 3 in CRR-1876-2017.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRR-1876-2017 titled as Agyapal @ Agyapal Singh Versus State of Punjab & another and CRR-2120-2017 titled as Sawinder Kaur & another Versus State of Punjab. For the sake of convenience, the facts are being taken from CRR-1876-2017 as both these petitions are arising out of the same judgment. However, as Sawinder Kaur has passed away while in custody, the CRR-2120-2017 stands abated qua her.

CRR-1876-2017 (O&M)

-2-

2. The instant revision petitions have been preferred against the order dated 26.04.2017 passed by the Additional Sessions Judge, Tarn Taran vide which the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 22.09.2014 passed by learned Judicial Magistrate, 1st Class, Tarn Taran, has been dismissed.

3. The brief facts of the case are that an FIR No.14 dated 04.02.2009 under Section 420 IPC at Police Station Sarhali came to be registered against the petitioners at the instance of Surinder Pal Singh son of Mangal Singh. After conclusion of investigation, a report under Section 173 Cr.P.C. was submitted and pursuant to the Trial, the petitioners were convicted and sentenced as under:-

Name of convict	Section	Sentence	Fine imposed	In default
Sawinder Kaur	420 IPC	RI for 03 years	Rs.5000/- each	RI for 15 days.
Resham Singh	420 IPC	RI for 03 years.	Rs.5000/-each	RI for 15 days.
Agya Pal	420 IPC	RI for 03 years	Rs.5000/- each	RI for 15 days.

All the sentences were ordered to run concurrently.

4. Aggrieved by the judgment and order of sentence dated 22.09.2014 passed by the Trial Court, the petitioners preferred an appeal, where more or less similar grounds were raised. After examining the evidence and the record, the appeal came to be dismissed by the Court of Additional Sessions Judge, Tarn Taran vide judgment dated 26.04.2017 leading to the filing of the two Criminal Revision petitions bearing Nos.CRR-1365-2008 and CRR-2120-2017.

5. During the course of the pendency of the instant revision petitions, a compromise dated 04.05.2017 (Annexure P-1) was arrived at and the

CRR-1876-2017 (O&M)

-3-

statements of the parties were ordered to be recorded. Pursuant to the recording of the said statements, a report of the Judicial Magistrate, 1st Class, Tarn Taran dated 18.05.2018 was furnished before this Court. As per the said report, a compromise was genuine and the complainant-Surinderpal Singh son of Mangal Singh and Mangal Singh son of Mota Singh did not wish to proceed further in the matter.

6. The learned counsel for the petitioners contends that since a compromise has been arrived at between the parties, the inherent powers of this Court be invoked and the proceedings be quashed.

7. The learned State counsel has not disputed the factum of a compromise having been effected between the parties.

8. The learned counsel for respondent Nos.2 and 3 has accepted the factum of a compromise and has stated that he has no objection if the proceedings are quashed.

9. I have heard the learned counsel for the parties.

10. 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 a compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C.

11. In view of the aforesaid report of the Judicial Magistrate, 1st Class, Tarn Taran accompanied by statements of both the parties, by invoking this Court's inherent powers under Section 482 Cr.P.C., the judgment dated 22.09.2014 passed by the Judicial Magistrate, 1st Class, Tarn Taran, the

CRR-1876-2017 (O&M)

-4-

judgment in appeal passed by the Additional Sessions Judge, Tarn Taran dated 26.04.2017 along with all consequential proceedings pending in this Court are hereby quashed.

(JASJIT SINGH BEDI)
JUDGE

22.03.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No