

2023:PHHC:076728

251(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33176-2022

Date of decision: 25.05.2023

BHUSHAN LAL

...Petitioner

V/s

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Baljinder Singh, Advocate
for respondent No.2.

MANJARI NEHRU KAUL J. (ORAL)

The instant petition is for quashing of FIR No.30 dated 17.02.2015 registered under Sections 323, 325, 34 Indian Penal Code at Police Station Garhshankar, District Hoshiarpur along with all consequential proceedings arising therefrom including the judgment of conviction and order of sentence dated 08.02.2019 passed by learned Judicial Magistrate, 1st Class, Garhshankar, on the basis of compromise affidavit dated 11.03.2022 (Annexure P-2) arrived at, between the parties.

2. Learned counsel for the petitioner submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioners vide judgment of learned Judicial Magistrate 1st Class dated 08.02.2019 (Annexure P-3). In support of his submissions, while placing reliance on judgment of the Hon'ble Supreme Court in '*Ramawtar Vs.*

State of Madhya Pradesh : LL 2021 SC 589’ and of this Court in “*Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102*,’ learned counsel contends that there is no statutory embargo against invoking of power under Section 482 Cr.P.C. after conviction of an accused by the trial Court when the victim/complainant has willingly entered into a settlement/compromise.

3. Vide order dated 05.08.2022 of this Court, the parties were directed to appear before the learned Additional Sessions Judge, Hoshiarpur to get their statements recorded regarding the compromise arrived at, between them.

4. Report has since been received from learned Additional Sessions Judge, Hoshiarpur, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the petitioner is quashed.

5. The learned Additional Sessions Judge, Hoshiarpur, has annexed copies of statements of the parties alongwith his report.

6. Learned State counsel submits that 03 persons were nominated as accused in the instant FIR. Accused Husan Lal was declared proclaimed offender on 22.04.2016 while accused Mahender Pal died during the pendency of the appeal. Respondent No.2 is the only aggrieved person in the FIR in question.

7. In view of the report of the learned Additional Sessions Judge, Hoshiarpur, and the principles laid down by the Apex Court in '*Ramawtar's case* (*supra*) and of this Court in *Sube Singh's case* (*supra*) the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 08.02.2019 passed by learned Judicial Magistrate, 1st Class, Garhshankar, are quashed qua the petitioner only.
8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

25.05.2023
manisha

(MANJARI NEHRU KAUL)
JUDGE

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