

CRM-M-38584-2021
Neutral Citation No.2023:PHHC:043460

**250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38584-2021
Date of Decision: March 23, 2023

Manoj Kumar @ Doggar and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. M.S. Chauhan, Advocate for
Mr. A. K. Gupta, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Vinod Sharma, Advocate for respondent Nos.2 to 4.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross F.I.R. No.63, dated 16.05.2017, at Police Station Dasuya, District Hoshiarpur, in which petitioners were allegedly implicated under Sections 323, 325/ 34 of IPC; whereas private respondents were allegedly implicated under Sections 323, 324, 447, 511/34 of IPC and all subsequent proceedings arising out of the said FIR including the judgment of conviction and order of sentence dated 21.01.2020 (Annexures P-2 and P-3) passed by learned Judicial Magistrate 1st Class, Dasuya, whereby both the petitioners were convicted and sentenced, on the basis of compromise dated 03.08.2021 (Annexure P-4).

This Court vide order dated 27.01.2023 had directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send his/her report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Dasuya and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.03.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Statements of Respondent Nos.2 to 4, namely, Vijay Singh, Ajay Singh and Jash Dev Singh @ Jasdev Singh, respectively were recorded with regard to compromise before learned Magistrate on 23.02.2023.

Learned State counsel as well as learned counsel for respondent Nos.2 to 4 have not disputed the factum of compromise effected between the parties.

Learned counsel for the petitioners submits that the appeal against the judgment of conviction and order of sentence is pending before learned Sessions Judge, Hoshiarpur. In this regard he 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.

Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in Ramgopal's case (*supra*), this petition is allowed and F.I.R. No.63, dated 16.05.2017, registered at Police Station Dasuya, District Hoshiarpur, implicating the petitioners under Sections 323, 325/34 of IPC; and the private respondents in the cross matter implicating under Sections 323, 324, 447, 511/34 of IPC and all subsequent proceedings arising therefrom and the judgment of conviction and order of sentence dated 21.01.2020 (Annexures P-2 and P-3) passed by learned Judicial Magistrate 1st Class, Dasuya, on the basis of compromise dated 03.08.2021 (Annexure P-4), are hereby quashed.

March 23, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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