

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-33237-2023

Date of decision: 21.09.2023

Jamna Dass and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yadwinder Singh, Advocate for
Mr. Ankur Bansal, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

Mr. D.S. Bhinder, Advocate for
Mr. Keshav Chadha, Advocate
for respondents No.2 to 7.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.79 dated 20.05.2017 registered under Sections 323, 342, 506, 148 and 149 IPC and Section 325, 201, 34 IPC (added later on) at Police Station Bhargo Camp, District Jalandhar and all the subsequent proceedings arising therefrom including judgment of conviction and order of sentence dated 09.11.2021 passed by learned Chief Judicial Magistrate (NRI Court), Jalandhar on the basis of compromise (Annexure P-3).

2. Learned counsel for the petitioners submits that the parties have arrived at an amicable settlement subsequent to the conviction of the petitioners in above mentioned case FIR. In support of his submissions, he has placed reliance upon judgment of this Court in

Sube Singh and another Vs. State of Haryana and another : 2013(4)

RCR (Criminal) 102 and Hon'ble Supreme Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh'*** ***decided on 25.10.2021 : LL 2021 SC 589*** wherein it has been held that the powers of the Court under Section 482 of the Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at the post conviction stage.

3. Vide order dated 13.07.2023 of this Court, the parties were directed to appear before the Lower Appellate Court on 17.08.2023 to get their statements recorded regarding the compromise arrived at, between them.

4. Report has since been received from learned Additional District & Sessions Judge, Jalandhar, in pursuance of the direction 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 respondents No.2 to 7 have also made statements to the effect that they would have no objection if the FIR *qua* the petitioners is quashed.

5. The learned Additional District & Sessions Judge, Jalandhar has annexed statements of the parties in original alongwith his report.

6. In view of the report of the learned Additional District & Sessions Judge, Jalandhar and the principles laid down by the Apex Court in ***Criminal Appeal No.1393 of 2011 titled as 'Ramawtar Vs. State of Madhya Pradesh' decided on 25.10.2021 : LL 2021 SC 589*** and this Court in ***Sube Singh and another Vs. State of Haryana and***

another : 2013(4) RCR (Criminal) 102, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising therefrom including judgment of conviction/order of sentence dated 09.11.2021 passed by learned Chief Judicial Magistrate (NRI Court), Jalandhar, are quashed qua the petitioners.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

21.09.2023

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(MANJARI NEHRU KAUL)
JUDGE

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