

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

125+302

CRM-M-40972-2023 (O&M)
Date of decision: 23.11.2023

NARESH KUMAR AND ORS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Aditya Dassaur, Advocate for the petitioners.

Mr. Subhash Godara, Additional A.G. Punjab.

Ms. Monika Jangra, Advocate for respondent No.2.

SANJIV BERRY. J. (Oral)

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR (Annexure P-1) and all consequential proceedings arising therefrom, including the judgment of conviction and order of sentence dated 18.07.2023, on the basis of compromise/settlement dated 31.07.2023 (Annexure P-3) executed between the parties, during the pendency of the appeal. Details of the FIR are as follows:

FIR No.	Dated	Sections	Police Station
07	30.01.2017	323, 324, 341, 148, 149 IPC	Mukandpur, District SBS Nagar

2. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated

31.07.2023 (Annexure P-3), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The learned Judicial Magistrate First Class, SBS Nagar vide report dated 21.11.2023 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure. The petitioners have also deposited the cost of Rs.5,000/- in compliance to the order dated 02.11.2023.

3. Respondent Nos.2 and 3 are represented by their counsel and do not oppose the compromise.

4. In view of the aforesaid report of the learned Judicial Magistrate First Class, SBS Nagar and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

5. In the circumstances, the present petition is allowed. FIR No.07 dated 30.01.2017, under Sections 323, 324, 341, 148, 149 IPC registered at Police Station Mukandpur, District SBS Nagar (Annexure P-1) and all consequential proceedings arising therefrom including the judgment of conviction and order of sentence dated 18.07.2023, are hereby quashed on the basis of compromise qua the present petitioners.

6. Since, petitioners are still in custody and they have filed an appeal through CNR No.PBSB0100-4331-2023, bearing No.CRM/401/2023 titled as ‘Naresh Kumar and others Vs. State’ before the learned Sessions Judge, SBS Nagar, therefore, as the FIR in question stands quashed and all the

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consequential proceedings also stand quashed, the appropriate release orders be issued by the Court concerned, where the appeal is pending.

7. Petition stands allowed.
8. Pending applications, if any, stand disposed of.

(SANJIV BERRY)
JUDGE

23.11.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No