

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-42536-2022
Date of Decision: 29.05.2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.S.Brar, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.
Mr. Rhythem Bajaj, Advocate for
Mr. Rajat Dogra, Advocate for respondent No.2.

SANDEEP MOUDGIL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 78, dated 07.06.2016 under Sections 304-A, 427 of the Indian Penal Code, 1860, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1) with all the consequential proceedings arising therefrom and judgment of conviction as well as order of sentence dated 28.03.2017 (Annexure P-2) passed by Addl. Chief Judicial Magistrate, Fazilka vide which the petitioner has been convicted, on the basis of compromise dated 06.09.2022 (Annexure P-3).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of FIR.

Vide order dated 15.09.2022, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 28.03.2023 has been received from Addl. Chief Judicial Magistrate, Fazilka, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

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 compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in "***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012 (4) RCR (Crl.) 543***".

In view of above, FIR (Annexure P-1), with all the consequential proceedings arising therefrom including the order of sentence dated 28.03.2017 (Annexure P-2) passed by Addl. Chief Judicial Magistrate, Fazilka vide which the petitioner has been convicted, is quashed qua the petitioner, on the basis of compromise dated 06.09.2022 (Annexure P-3).

The present petition is hereby allowed.

29th May 2023
Rajeev (rvs)

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No