

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

CRM-M-47474-2021 (O&M)
Date of Decision:- 24.04.2023

AVTAR SINGH AND ORS.

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Dr. Amnol Rattan Sidhu, Senior Advocate with
Mr. Nandan Jindal, Advocate and
Mr. Abhinandan Jindal
for the petitioners.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

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

KARAMJIT SINGH, J. (Oral)

1. Present petition is for quashing of FIR No.249 dated 25.08.2005 registered under Sections 364, 325, 324, 323 IPC at Police Station City Abohar, District Ferozepur (now Fazilka) and all consequential proceedings arising thereto including judgment/order of sentence dated 9.5.2012 passed by Additional Sessions Judge, Ferozepur (Annexure P-2), whereby the petitioners are convicted and sentenced

to imprisonment and to pay fine under Sections 365/149 IPC, 324/149 IPC, 325/149 IPC and 148 IPC on the basis of compromise (Annexure P-5).

2. The above stated FIR was registered by the police on the basis of the information received by the police that the petitioners had abducted respondent No.2-Parmod Kumar on 23.08.2005 and later on respondent No.2 was found lying in an injured state by the police on the same very day and then police recorded statement of respondent No.2 with regard to aforesaid incident.
3. On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the aforesaid FIR and judgment of conviction and order of sentence are quashed on the basis of compromise which has been effected between the parties.
4. During the course of preliminary hearing, the Court of Illaqua Magistrate concerned was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.
5. In compliance thereof, report from the Court of Judicial Magistrate Ist Class, Abohar along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.
6. I have heard learned counsel for the parties.
7. Admittedly the petitioners were convicted and sentenced by the Court of Additional Sessions Judge, Ferozepur, as follows:-

Offence	Sentence
Under Sections 365/149 IPC	To undergo RI for 2 ½ years and payment of ₹1,000/- as fine. In default of payment of fine, further undergo RI for 15 days.
Under Sections 324/149 IPC	To undergo RI for 1 year.
Under Sections 323/149 IPC	To undergo RI for 6 months.
Under Section 148 IPC	To undergo RI for 1 year.

8. All the sentences were ordered to run concurrently.
9. The appeal against the said judgment and order having **CRA-S-1745-SB-2012** filed by the petitioners is also pending in this Court for its disposal.
10. Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.
11. A Division Bench of this Court in **Sube Singh and Another vs. State of Haryana and Another, 2013(4) RCR(Criminal) 102** allowed the compromise quashing petition and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the Court of Additional Chief Judicial Magistrate whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

12. Recently the Hon'ble Apex Court in **Criminal Appeal No.1393 of 2011** titled as **Ramawatar vs. State of Madhya Pradesh** decided on 25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.
13. In the case in hand, the parties have effected compromise. In view of the compromise, respondent No.2 does not want to take any further action against the petitioners. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So no fruitful purpose would be served by keeping the proceedings pending in the appeal.
14. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.249 dated 25.08.2005 registered under Sections 364, 325, 324, 323 IPC at Police Station City Abohar, District Ferozepur (now Fazilka) and all consequential proceedings arising thereto including judgment/order of sentence dated 9.5.2012 passed by Additional Sessions Judge, Ferozepur (Annexure P-2), whereby the petitioners are convicted and sentenced to imprisonment and to pay fine under Sections 365/149 IPC, 324/149 IPC, 325/149 IPC and 148 IPC are

quashed on the basis of compromise (Annexure P-5) qua the petitioners.

15. Resultantly, the appeal having CRA-S-1745-SB-2012 preferred by the petitioners against the aforesaid judgment and order dated 9.5.2012 (Annexure P-2), which is pending in this Court has been rendered infructuous.
16. The present petition stands allowed in the aforesaid terms.

24.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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