

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46136-2023

Date of Decision:18.10.2023

Baljinder Singh @ Bindi & Another
Vs.

.....Petitioners

State of Haryana and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Abhinav Singla, Advocate
for the petitioners.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Gurbhagat Singh Gill, Advocate
for respondent Nos.2 to 8.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.22 dated 27.11.2012 registered at Police Station Baragudha, District Sirsa under Sections 323, 324 & 34 of the IPC (Sections 326 read with Section 34 of the IPC added later on) in case F.I.R. No.140 dated 25.11.2012 registered at Police Station Baragudha, District Sirsa under Sections 148, 149, 323 & 506 of the IPC (Sections 324, 326, 34 of the IPC added later on) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.03.2022 (Annexure P-5).

2. Learned counsel for the petitioner contends that petitioner has been convicted by Trial Court vide judgment dated 20.02.2019 under Sections 323, 324, 326/34 of the IPC and sentence to undergo maximum imprisonment for 3 years in addition to fine of ₹3,000/- with default

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sentence. Against the said judgment of conviction and order of sentence, petitioner has filed appeal before Learned Sessions Court, which is pending adjudication. Prayer is made to quash the judgment of conviction and order of sentence.

3. Learned counsel 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.

4. This Court vide order dated 14.09.2023 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

5. Pursuant to the aforesaid order, parties have appeared before Learned Additional District & Sessions Judge and got their statements recorded. On the basis of the statements so recorded, Learned Additional District & Sessions Judge has submitted report dated 03.10.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

6. Learned State counsel concedes the factum of the compromise amongst the parties and has no objection to allow the petition and set aside the impugned judgment of conviction and order of sentence on account of the compromise having been effected between the parties.

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7. Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in Ramgopal’s case (*supra*), the impugned judgment of conviction and order of sentence, are hereby set aside on account of the compromise between the parties.

8. In view of the compromise between the parties, this petition is allowed and DDR No.22 dated 27.11.2012 registered at Police Station Baragudha, District Sirsa under Sections 323, 324 & 34 of the IPC (Sections 326 read with Section 34 of the IPC added later on) in case F.I.R. No.140 dated 25.11.2012 registered at Police Station Baragudha, District Sirsa under Sections 148, 149, 323 & 506 of the IPC (Sections 324, 326, 34 of the IPC added later on) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.03.2022 (Annexure P-5), are quashed qua the petitioners.

October 18, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No