

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2597-2019
Reserved on 15.02.2023
Pronounced on : 20.03.2023

Darshan Singh and othersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. AGS Dhillon, Advocate for the petitioner(s).

Mr. Virat Rana, AAG, Punjab

Mr. Damanjit Singh Sandhu, Advocate for respondent No.2.

ANOOP CHITKARA J.

The petitioners arraigned as accused in the below captioned FIR were convicted and sentenced vide judgment of conviction dated 27.10.2017, which was affirmed by the appellate Court vide judgment dated 17.08.2019, have come up before this Court under Section 401 Cr.P.C. in revision for setting aside of the said order.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and filed CRM-13843-2022 for compounding of offence.
3. Pursuant to CRM-13843-2022, this court vide order dated 16.01.2023 had asked the parties to appear before trial Court/Illaq Magistrate/Duty Magistrate for recording their statement and asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	JMIC, Sangrur		
FIR No.	Dated	Police Station	Sections
32	09.04.2014	Sadar Sangrur	323, 325, 34 IPC
Criminal Case no. before trial Court	Filing No.567/2014 Registration No. 118 dt. 13.05.2014 CNR No.PBSG03-000554-2014		

1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Smt. Sukhpal Kaur
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	25.01.2023
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	1. Darshan Singh 2. Avtar Singh @ Tara 3. Talwinder Kuar 4. Shinder Kaur 5. Sarabjit Kaur
7.	Dates on which the statement(s) of the accused persons(s) recorded	25.01.2023
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Yes
11.	Notice of accusation /Charges have been framed or not?	Yes
12.	Sections of statutes invoked in the matter	323, 325, 34 IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

4. Despite the opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, all the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.
5. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.
6. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise

deed and its objectives point towards its acceptance.

7. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”

8. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 read with 401 CrPC and quashes the FIR and all subsequent proceedings i.e. judgment of conviction and order of sentence dated 27.10.2017 qua the petitioner(s) only. The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

20.03.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.