

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-50332-2023
Date of decision: 14.12.2023

CHAMAN LAL AND OTHERS
Versus
....Petitioners

STATE OF HARYANA AND ANOTHER
...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Bansal, Advocate
for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Arun Gupta, Advocate for
Mr. Sarvesh Gupta, Advocate for respondent No.2.

KULDEEP TIWARI. J.(Oral)

The present petition has been filed for quashing of complaint bearing No.COMI/107/2013, dated 29.05.2012 (Annexure P-1), titled as '*Krishan @ Titu Vs. Chaman Lal & others*' and impugned judgment and order dated 06.10.2022/11.10.2022 (Annexure P-2), passed by SDJM, Samalkha, District Panipat, along with all subsequent proceedings on the basis of compromise dated 04.09.2023.

The instant case was registered on a complaint made by Krishan @ Titu. Thereupon, the petitioners were charge-sheeted and tried by the learned trial Court concerned, which led to the passing of the judgment of conviction under Sections 452 read with Section 149 of IPC and sentenced as under:-

Chamanlal son of Ishwar Dass	U/s 452 r/w 149 IPC	Simple Imprisonment for three years	Rs.2000/-	Simple imprisonment for 30 days
Soma Rani wife of	U/s 452 r/w 149 IPC	Simple Imprisonment	Rs.2000/-	Simple imprisonment

Chamanlal		for three years		for 30 days
Prem @ Sonu son of Chamanlal	U/s 452 r/w 149 IPC	Simple Imprisonment for three years	Rs.2000/-	Simple imprisonment for 30 days
Raju @ Rajesh son of Chamanlal	U/s 452 r/w 149 IPC	Simple Imprisonment for three years	Rs.2000/-	Simple imprisonment for 30 days

Having aggrieved with the judgment of conviction and order of sentence (supra), the petitioners preferred statutory appeal on 03.11.2022, before the learned Sessions Judge, Panipat, which is pending consideration.

Meanwhile, with the intervention of the respectables, the parties had entered into a compromise, vide compromise deed dated 04.09.2023 (Annexure P-4).

The Hon’ble Supreme Court, in Criminal Appeal No.1489 of 2012, titled as “*Ramgopal & Anr.Vs. State of Madhya Pradesh*” decided on 29.9.2021 and a Co-ordinate Bench of this Court, while exercising powers under Section 482 Cr.P.C., quashed the judgment of conviction and order of sentence on the basis of compromise, vide judgment passed in CRM-M-32258-2018. The relevant extract of the same reads as under:-

“In the entirety of the case and judicial precedents, I am of the considered opinion that the continuation of these proceedings will not serve any fruitful purpose whatsoever. Given above, because of the compromise, and in the facts and circumstances peculiar to this case the above captioned judgment of conviction and sentence, charges, and FIR, are hereby quashed qua the petitioners. However, the fine amount is forfeited to the State as cost incurred by it. The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand closed.”

In view of the law laid down by the Hon'ble Supreme Court and by

this Court, the present petition is allowed and the complaint bearing No.COMI/107/2013, dated 29.05.2012 (Annexure P-1) and the judgment of conviction and order of sentence, charge-sheet, are, hereby, quashed. The fine amount deposited by the petitioners are forfeited to the State as costs. The bail bonds of the petitioners are, accordingly, discharged.

All the pending applications, if any, stand disposed of.

14.12.2023
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No