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

**CRM-M-51989-2023
Date of decision: 30.11.2023**

SAMBHAL SINGH ALIAS SAMBHAL AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present:- Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Anirudh Gupta, Advocate for
Mr. Amandeep Singh, Advocate
for respondent No.2.

N. S. SHEKHAWAT, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of an FIR No. 0119 dated 25.10.2013 under Sections 323/324/326/34 of IPC (Section 326 IPC has been added later on) registered at Police Station Islamabad, District Amritsar (Annexure P-1) alongwith all the consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 24.09.2019 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Amritsar, on the basis of compromise dated 25.09.2023 (Annexure P-3) arrived at between the parties.

2. Learned counsel for the petitioners submits that initially the above mentioned FIR No.119 dated 25.10.2013 under Sections 323/324/326/34 of IPC (Section 326 IPC has been added later on) registered at Police Station

Islamabad, District Amritsar (Annexure P-1), on the basis of the statement made by respondent No.2-Gurnaam Singh @ Lali. After conclusion of the investigation, a final report under Section 173 Cr.P.C. was presented by the police and the petitioners were tried by the Court of Judicial Magistrate 1st Class, Amritsar. Vide judgment of conviction and order of sentence dated 24.04.2019, the Court of Judicial Magistrate 1st Class, Amritsar, convicted the petitioners under Section 323 read with Section 34 IPC, Section 324 read with Section 34 IPC and Section 326 read with Section 34 IPC and sentenced them as under:-

Under Section 323 read with Section 34 IPC	RI for 01 year and fine of Rs. 1,000/-. In default of payment of fine, he shall further undergo the rigorous imprisonment for 01 month.
Under Section 324 read with Section 34 IPC	RI for 03 years and fine of Rs. 1,000/-. In default of payment of fine, he shall further undergo the rigorous imprisonment for 01 month.
Under Section 326 read with Section 34 IPC	RI for 03 years and fine of Rs. 3,000/-. In default of payment of fine, he shall further undergo the rigorous imprisonment for 01 month.

Learned counsel for the petitioners further submits that the appeal (CRA 283/2019) filed by the petitioners against the aforesaid judgment of conviction and order of sentence is pending before the Court of Additional Sessins Judge, Amritsar.

3. Vide order dated 12.10.2023 while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise dated 25.09.2023 (Annexure P-3).
4. Pursuant to aforesaid order, the parties have appeared before the learned Additional District and Sessions Judge, Amritsar and got their

statements recorded. Report dated 01.11.2023 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

5. I have heard counsel for the parties and gone through the case file.

6. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioners.

7. Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the basis of a compromise.

8. In view of the law laid down by the Hon'ble Supreme Court and also the report dated 01.11.2023 submitted by Additional District and Sessions

Judge, Amritsar, the present petition deserves to be allowed and impugned FIR No. 0119 dated 25.10.2013 under Sections 323/324/326/34 of IPC (Section 326 IPC has been added later on) registered at Police Station Islamabad, District Amritsar (Annexure P-1) and the judgment and order dated 24.09.2019, passed by the Judicial Magistrate 1st Class (Annexure P-2) alongwith all subsequent proceedings arising therefrom on the basis of the compromise deed dated 25.09.2023 (Annexure P-3), are hereby quashed qua the present petitioners.

- 9. The present petition stands disposed of.
- 10. Pending application, if any, is also disposed of.

30.11.2023
amit rana

(N. S. SHEKHAWAT)
JUDGE

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