

CRA-S-451-SB-2013
CRA-S-652-SB-2013
CRM-M-34222-2014 (O&M)
CRM-M-10586-2014 (O&M)
CRM-M-59485-2022 (O&M)
CRM-M-27483-2014 (O&M)

Neutral Citation No. 2023:PHHC:087083
Neutral Citation No. 2023:PHHC:087085
Neutral Citation No. 2023:PHHC:087086
Neutral Citation No. 2023:PHHC:087086
Neutral Citation No. 2023:PHHC:087092
Neutral Citation No. 2023:PHHC:087091

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[Date of Decision: July 12, 2023]

1.
Satnam Singh and others

CRA-S-451-SB-2013
... Appellants

Versus

The State of Punjab and another

...Respondents
2.
Pardeep Singh and others

CRA-S-652-SB-2013
... Appellants

Versus

State of Punjab

...Respondent
3.
Hardip Singh alias Deepa

CRM-M-34222-2014 (O&M)
... Petitioner

Versus

State of Punjab and another

...Respondents
4.
Mangoo Ram

CRM-M-10586-2014 (O&M)
... Petitioner

Versus

State of Punjab and another

...Respondents
5.
Sarabjit Singh

CRM-M-59485-2022 (O&M)
... Petitioner

Versus

State of Punjab and others

...Respondents
6.
Hardip Singh alias Deepa

CRM-M-27483-2014 (O&M)
... Petitioner

Versus

State of Punjab and another

...Respondents

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CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sushil Saini, Advocate for the appellants
in CRA-S-451-2013 and
for the complainant in CRA-M-34222-2014.

Mr. N.S. Dadwal, Advocate for the appellants
in CRA-S-652-SB-2013.

Mr. Arun Takhi, Advocate for the petitioner
in CRM-M-34222-2014 and CRM-M-27483-2014.

Mr. Vaneet Thakur, Advocate for the petitioner
in CRM-M-59485-2022.

Mr. N.S. Gill, Advocate for
Mr. Munish Gupta, Advocate for the petitioner
in CRM-M-10586-2014.

Mr. Parneet Singh Pandher, Addl. A.G., Punjab.

DEEPAK GUPTA, J.(Oral)

This order shall dispose of two appeals and four petitions as referred above, as all of them pertain to the same occurrence.

2. As it emerges, occurrence took place on 13.01.2007 at about 8 p.m., in which both the parties suffered injuries. FIR No.07 dated 16.01.2007 was registered at Police Station Mahilpur, District Hoshiarpur, under Sections 307, 308, 325, 324, 323/34 IPC against Jatinder Singh, Pardeep Singh, Jasvir Singh and Sarabjit Singh. The said FIR was lodged on the complaint of Smt. Mohinder Kaur. Satnam Singh was injured in that case.

3. On the other hand, Jatinder Singh filed a private complaint seeking prosecution of six persons, namely Satnam Singh, Gurbax Singh, Hardip Singh @ Deepa, Ram Lubhaya, Jeeta @ Gurjit Singh and

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Mangoo Ram under various provisions of IPC. After recording preliminary evidence in the complaint filed by Jatinder Singh as above, learned Judicial Magistrate 1st Class, Hoshiarpur, ordered summoning of all the six accused named in the complaint to face prosecution under Sections 323, 324, 326, 506/149 IPC, vide order dated 15.03.2010. Two of the summoned accused, namely Mangoo Ram and Hardip Singh @ Deepa failed to obey the summons or the warrants and proclamation and so, they were declared proclaimed offenders vide order dated 25.04.2011.

4. One of the summoned accused, namely Hardip Singh @ Deepa filed CRM-M-34222-2014 to quash the complaint filed by Jatinder as well as the summoning order dated 15.03.2010 on the basis of compromise amongst the parties, along with all the consequential proceedings.

5. Aforesaid Hardip Singh @ Deepa and Mangoo Ram also filed CRM-M-27483-2014 and CRM-M-10586-2014 respectively for quashing the order dated 25.04.2011, apart from the complaint and the summoning order dated 15.03.2010 on the basis of compromise effected between the parties.

6. Out of other four summoned accused, Gurbax Singh expired during trial and so proceedings against him were dropped. The remaining three accused, namely, Satnam Singh, Ram Lubhaya and Jeeta @ Gurjit Singh faced trial in the complaint case and all three of them were convicted under Sections 148/326/324/323/506/149 IPC, vide judgment dated 10.01.2013 passed by learned Addl. Sessions Judge, Hoshiarpur in

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Sessions Case No.39 of 2011. They were sentenced to undergo various period of imprisonments with maximum sentence of four years imprisonment.

7. The aforesaid three convicts, namely, Satnam Singh, Ram Lubhaya and Jeeta @ Gurjit Singh filed CRA-S-451-SB-2013 challenging the judgment of conviction and order of sentence. However, later on, Ram Lubhaya expired during proceedings.

8. In Sessions case No.65 of 2008, arising out of FIR No.07 dated 16.01.2007 as referred earlier, conviction was recorded by learned Addl. Sessions Judge, Hoshiarpur, vide judgment dated 10.01.2013 convicting three accused, namely Jatinder Singh, Pardeep Singh and Jasvir Singh under Sections 307, 325, 323/34 IPC; whereas Sarabjit Singh had been declared as proclaimed offender. They were sentenced to undergo varying period of imprisonments with maximum sentence of six years rigorous imprisonment. Said three convicts, Pardeep, Jatinder and Jasvir filed CRA-S-652-SB-2013 challenging the conviction as well as order of sentence.

9. Sarabjit Singh, who had been declared as proclaimed offender in FIR No.07 dated 16.01.2007, filed CRM-M-59485-2022 to quash the FIR and all the subsequent proceedings arising therefrom on the basis of compromise.

10. In CRM-M-10586-2014 and CRM-M-34222-2022, parties were directed to appear before the Trial Court/Area Magistrate concerned for getting their statements recorded regarding the compromise.

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11. Report No.181 dated 27.03.2023 has been received from learned Judicial Magistrate 1st Class, Hoshiarpur in CRM-M-34222-2014, confirming the compromise amongst the parties. Complainant Jatinder Singh made the following statement:-

“Stated that I filed a complaint u/s 148, 326, 324, 323, 506, 149 of IPC against the accused namely Satnam Singh s/o Gurbax Singh, Gurbax Singh (now died) s/o Sarwan Singh, Hardip Singh @ Deepa s/o Ram Lal, Ram Lubhaya (now died) s/o Sagli Ram, Jeeta s/o Manjit Singh @ Mangoo Ram s/o Gurnail all r/o village Data, PS Mahilpur District Hoshiarpur and with the intervention of respectables of the society, I have effected compromise with above said accused. I have effected compromised in the matter for maintaining harmony. Now I do not have any ill will against accused and the compromise has been entered by my with my own free will and without any coercion/undue influence and without any pressure from the other side. I have no objection if the summoning order dated 15.03.2010 in the above said complaint be quashed and also to quashed the all the subsequent proceedings arising therefrom on the basis of compromise.”

12. It is, thus, clear from the aforesaid statement that complainant Jatinder Singh has compromised the matter with all the accused i.e. convicts as well as Hardip Singh @ Deepa and Mangoo Ram, who had been declared as proclaimed offenders.

13. Similarly, in CRM-M-59485-2022, report No.424 dated 15.04.2023 has been received from learned Addl. Sessions Judge,

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Hoshiarpur, regarding the compromise in the state case. Mohinder Kaur as well as injured Satnam Singh made the following statement:-

“I have registered a FIR No.7 dated 16.1.2007 u/s 323/324/307/308/325/34 of IPC against four accused namely Jatinder Singh @ Davinder Singh, Pardeep Singh son of Avtar Singh, Jasvir Singh son of Lember Singh and Sarabjit Singh son of Nachhatar Singh all residents of village Datta, PS Mahilpur, Distt Hoshiarpur. Accused Sarabjit Singh previously was declared proclaimed offender and the remaining accused was convicted by the Trial Court. Now accused has been arrested thereafter released on bail and the trial of the accused Sarabjit Singh is pending and is fixed for 15.04.2023. With the intervention of respectables of the family and villagers we have compromised the matter genuinely and without any force. So, on the basis of compromise, if the FIR be quashed I am having no objections.”

14. It is, thus, clear from the aforesaid statement that complainant as well as injured have not only compromised the matter with the three convicts Jatinder Singh, Pardeep Singh and Jasvir Singh, but also with Sarabjit Singh, who had earlier been declared as proclaimed offender.

15. It was a case of version and cross versions, in which both the parties had sustained injuries. Both the parties were convicted. Both the parties are residents of the same village and they have compromised the matter. It will be in the interest of both the parties to permit them to compound the matter and bury the hatchet, as it is likely to harmonize

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their relationship.

16. Quashing of the FIR even after recording the conviction can be allowed, as has been held by the Hon'ble Supreme Court in *"Ramgopal and another v. State of Madhya Pradesh"* 2021 SCC Online SC 834 holding 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.

17. In view of the compromise effected amongst the parties, no useful purpose would be served to continue with these proceedings in both the cases, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*.

18. Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in *Ramgopal's case (supra)*; *Kulwinder Singh's case (supra)* and *Gian Singh's case (supra)*, the impugned judgment of conviction and order of sentence dated 10.01.2013 as recorded in Sessions Case No.65 of 2008, arising out of FIR No.07, dated 16.01.2007, registered at Police Station Mahilpur, District Hoshiarpur, under Sections 307, 308, 325, 324, 323/34 IPC, are hereby set aside. Similarly, the summoning order dated 15.03.2010 and

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the order dated 25.04.2011 are hereby quashed and the judgment of conviction and order of sentence dated 10.01.2013 passed in Sessions Case No.39 of 2011, arising out of complaint titled as *“Jatinder Singh v. Satnam Singh and others”* are hereby set aside.

Consequently, the aforesaid two appeals and four petitions as mentioned above, are disposed of.

Photocopy of this order be placed on the connected case files.

July 12, 2023

sarita

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No

(DEEPAK GUPTA)

JUDGE