

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 25.05.2023

1. CRM-M-52819-2019

Pankaj @ Pankaj Kumar

.... Petitioner

Versus

State of Punjab and others

.... Respondents

2. CRM-M-30-2022

Pankaj Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. S.S. Rang, Advocate
for the petitioner (in both petitions).

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Mr. Sanpreet Singh, Advocate, for
Mr. Ramanpreet Singh, Advocate
for respondents No.2 to 4 (in CRM-M-52819-2019).

SANJEEV PRAKASH SHARMA, J (ORAL)

This order shall dispose of two petitions, i.e.

(i) **CRM-M-52819-2019**, filed for quashing of FIR No.229 dated 20.10.2017 under Sections 354, 506, 323, 341 and 34 IPC, registered at Police Station Division No.6, District Police Commissionerate Ludhiana and all subsequent proceedings arising therefrom, on the basis of compromise arrived at between the parties (Annexure P-2); (ii) **CRM-M-30-2020**, filed for quashing the impugned order dated 09.01.2020 passed by the learned

Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner has been declared as proclaimed person and all the subsequent proceedings arising therefrom.

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 04.02.2020 from concerned Court, has been received through District and Sessions Judge, Ludhiana, with statements of parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

The Hon'ble Full Bench of this Court in case **Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** and Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

An identical question came to be decided by Hon'ble Supreme Court in case **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543.**

The same view has been recently reiterated by the Apex Court in case **Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482 & State of Madhya Pradesh Vs. Laxmi**

Narayan and others, 2019(5) SCC 688.

In view of above, both the petitions are accepted. Consequently, the impugned FIR No.229 dated 20.10.2017 under Sections 354, 506, 323, 341 and 34 IPC, registered at Police Station Division No.6, District Police Commissionerate Ludhiana as well as the order dated 09.01.2020 passed by the learned Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner has been declared as proclaimed person and all subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioner only.

25.05.2023
D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

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