

246

2023:PHHC:061041

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-3602-SB-2019 (O&M)

Date of decision :28.04.2023

BITTU

... Petitioner(s)

Versus

STATE OF HARYANA & ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Balraj Gujjar, Advocate
for the appellant.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Vikas Saroha, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)
CRM-40804-2021

The present application has been filed by the applicant-appellant for compounding the offence for which the applicant/appellant has been convicted, on the basis of compromise.

Allowed as prayed for subject to all just exceptions.

CRA-S-3602-20219

The present appeal has been filed against the judgment of conviction and order of sentence dated 04.12.2019 passed by the Additional Sessions Judge, Yamuna Nagar, Jagadhari.

The appeal came to be filed on 10.12.2019 and was admitted vide order dated 12.12.2019.

During the pendency of the instant appeal, a compromise dated 12.10.2021 (Annexure A-1 in CRM-40659-2021) has been effected between the parties.

Vide order dated 18.01.2022 this Court had directed the parties to appear before the Sessions Court, Jagadhari for getting their

statements recorded in terms of certain parameters given in the aforesaid order dated 18.01.2022 with regard to the compromise dated 12.10.2021 (Annexure A-1 in CRM-40659-2021).

The Sessions Court, Yamuna Nagar Jagadhari was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 18.01.2022 passed by this Court, the parties have appeared before the Judicial Magistrate, 1st Class, Sub Division Bilaspur and as per the reports dated 28.02.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence.

The Hon'ble Supreme Court in "***Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***", has held that in non-compoundable cases of pre-dominantly private nature, even if a compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (CrL) 543***".

In view of the aforesaid report of the Judicial Magistrate, 1st Class, Sub Division Bilaspur accompanied by statements of both the

parties, by invoking this Court's inherent powers under Section 482 Cr.P.C., the FIR No.107 dated 20.07.2019 registered under Sections 379-B, 341 read with Section 34 IPC at Police Station Sadhaura along with all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction dated 04.12.2019 passed by the Additional Sessions Judge, Yamuna Nagar, Jagadhari are hereby quashed qua the appellant.

The appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

28.04.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No