



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-1132-SB-2016 &
CRA-S-1197-SB-2016
Date of decision: 25.09.2024

CRA-S-1132-2016

Hardeep Singh ...Appellant

Versus

State of Punjab ...Respondent

AND

CRA-S-1197-SB-2016

Harpreet Singh ...Appellant

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Surinder Garg, Advocate for the appellant.
in CRA-S-1132-SB-2016.

Mr. Chandan Singh, Advocate for the appellant.
CRA-S-1197-SB-2016.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. Jagatvir Dhindsa, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. This order will dispose of the afore-titled connected criminal appeals filed by the appellants against the judgment and order dated 08.02.2016 passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib in a criminal case having FIR No.58 dated 02.07.2009 under Sections 452, 323, 148, 149 IPC, Police Station, Gidderbaha, wherein both the appellant were convicted as follows, along with two other persons:-

Sections	Sentence	Fine
450 IPC	RI for 7 years each	Fine Rs.25000/- each and in default of payment of fine to further undergo RI for one year each
326 IPC read with Section 34 IPC	RI for 7 years each	Fine Rs.50000/- each and in default of payment of fine to further undergo RI for one year each
323 IPC read with Section 34 IPC	RI for 6 months	-----

All the sentences were ordered to run concurrently.

2. The allegations in brief are that complainant Rahil Kumar reported to the police that he is a commission agent and on 01.07.2009 at about 05:30 PM, he and his uncle Baleesh Kumar, his younger brother Sahil Kumar drove off the trolley after getting it loaded. In the meantime, the cousins of complainant namely Abhishek and Pankaj also came there. Abhishek was armed cricket bat and Pankaj was armed with dang. Abhishek gave bat blow on the back of Sahil and Pankaj gave dang blow on left arm of the complainant. Then accused Rajesh Kumar @ Nita gave wooden thapa blow but Baleesh Kumar saved himself. Sunita Rani aunt of complainant, Hardeep Singh and Harpreet Singh also entered the shop and Sunita threw acid on the complainant. Hardeep Singh and Harpreet Singh gave kick blows to the complainant. On hearing the alarm, people gathered there on which the accused persons fled away from there. The injured were taken to Civil Hospital, Gidderbaha. FIR was registered. The accused were arrested. On completion of investigation, challan was presented in the Court of Illaqa Magistrate. Thereafter, the case was committed to the Court of Sessions.
3. The learned trial Court framed charges under Section 450, 326, 323/34 IPC to which the accused did not plead guilty.
4. During trial, prosecution examined 13 witnesses in all. Thereafter, statements of the accused under Section 313 Cr.P.C were recorded. The accused examined 5 witnesses in their defence.
5. On conclusion of trial, the accused were convicted and sentenced to imprisonment as is detailed above.
6. Being aggrieved, both the appellants have filed the present



criminal appeal.

7. During the pendency of the appeal, counsel for the appellant brought to the notice of this Court that the matter has been compromised between the parties. The appellants filed separate applications seeking permission to compound the offences. The said applications were supported by compromise deed Annexure A-1.

8. Today, complainant Rahil Kumar appeared in the Court and got recorded his statement to the effect that he has effected compromise with both the appellants namely Hardeep Singh and Harpreet Singh and he admitted the compromise deed Annexure A-1. The complainant further stated that he is having no objection, if the separate appeals filed by Hardeep Singh and Harpreet Singh are allowed and FIR in question is quashed and both the said appellants are acquitted of all the offences regarding which they were earlier convicted by the learned trial Court. The complainant is identified by his counsel.

8. The counsel for the appellants and counsel for complainant submit that both the appeals be disposed of in the light of the aforesaid statement made by the complainant.

9. It is further submitted that the compromise effected between the parties is genuine and the same is effected without any undue influence or coercion and that complainant does not want to take any further action against both the appellants. This Court is of the view that aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in a peaceful and harmonious atmosphere and enjoy their life in a dignified manner.

10. A Division Bench of this Court in ***Sube Singh and another v. State of Haryana and another, 2013(4) RCR(Criminal) 102*** allowed the compromise quashing petition and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the Court of Additional Chief Judicial Magistrate whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

11. Recently the Hon'ble Apex Court in Criminal Appeal No.1393 of 2011 titled as ***Ramawatar v. State of Madhya Pradesh*** decided on 25.10.2021



quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.

12. As the parties have entered into a compromise, no fruitful purpose would be served by keeping the proceedings between the parties pending in the Court.

13. Though the offences under Sections 450 and 326 IPC are non compoundable, having regard to the fact that the incident in the present case took place in a spur of moment and did not have an impact on the society in general and having regard to the fact that the dispute between the parties has been settled in an amicable manner and there is no likelihood of the repetition of such incident and having regard to the case law referred above coupled with the law laid down by Hon’ble Apex Court in *Gian Singh Vs. State of Punjab and another 2012 (4) RCR (Criminal) 543* and Five Judges Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052*, FIR No.58 dated 02.07.2009, under Sections 452, 323, 148, 149 IPC, Police Station Gidderbaha, District Sri Muktsar Sahib, along with all the subsequent proceedings including the judgment and order dated 08.02.2016 passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib are quashed, in the interest of justice, by exercising inherent power of this Court under Section 482 Cr.P.C/528 of BNSS 2023.

14. Resultantly, both the afore-stated appeals stand disposed of in the aforesaid terms.

25.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No