



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

CRA-S-1514-SB-2016 (O&M)
Date of decision: 24.09.2024

Kuldeep

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. T.S. Grewal, Advocate for the appellant.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. S.S. Kang, Advocate for respondents No.2 to 3.

Mr. Vishavjeet Gill, Advocate for respondents No.4 and 5.

KARAMJIT SINGH, J. (ORAL)

1. Appellant Kuldeep Singh has filed the present appeal against the judgment and order dated 8/10.02.2016 passed by the Court of Additional Sessions Judge, Gurugram whereby the appellant was convicted and sentenced to RI for a period of 7 years and to pay a fine of Rs.25,000/- and in default of payment of fine to further undergo RI for a period of 6 months under Section 307 IPC and RI for a period of 1 year and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo RI for a period of 1 month under Section 27 Arms Act in a criminal case having FIR No.499 dated 19.07.2013, under Sections 307 IPC and Section 27 Arms Act, Police Station Civil Lines, Gurugram.

2. The allegations in brief are that appellant performed marriage with Raj Bala daughter of complainant Anand Singh. Raj Bala was not having good relations with the appellant. That on 19.07.2013, altercation took between appellant and Raj Bala and then appellant took out of his pistol and fired shot which hit Raj Bala. Appellant also tried to cause injury Anil who entered the house to save him but the another shot fired by appellant hit in his right foot. The one another shot fired by appellant hit Hritik in his right foot. Appellant fired more shots and then fled away from there. The injured were taken to General Hospital



Gurgaon. The complainant reported the matter to the police which resulted into registration of FIR. The appellant was arrested. On completion of investigation, challan was presented and the case was committed to the Sessions Court.

3. The learned trial Court framed charges under Section 307 and 27 Arms Act to which the appellant did not plead guilty.

4. During trial, prosecution examined 20 witnesses in all. Thereafter, statement of appellant under Section 313 Cr.P.C was recorded. The appellant who at the relevant time was serving in India Army examined two witnesses in his defence.

5. On conclusion of trial, the appellant was convicted and sentenced to imprisonment as is detailed above.

6. Being aggrieved, the appellant 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. Consequently, the parties were directed to record their statements qua the compromise vide orders dated 06.03.2019 and 21.02.2024. In compliance of the said orders, the statements of complainant Anand Singh and victims namely Raj Bala, Anil and Hritik were recorded and the Court concerned submitted its reports.

8. The counsel for the appellant and counsel for complainant/victims submit that the marriage between appellant and Raj Bala was dissolved by way of mutual consent under Section 13-B HMA and that the parties have settled their dispute, amicably. The counsel for the appellant further submits that appellant is an ex-serviceman and he attacked the complainant party in a spur of moment, as he lost temper.

9. As per the reports received from the Court concerned, it is apparent that the compromise effected between the parties is genuine and the same is effected without any undue influence or coercion. The complainant and victims do not want to take any further action against the appellant. 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 peace 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 Section 307 IPC and 27 Arms Act are non compoundable, having regard to the fact that the incident in the present case took place on account of matrimonial discord between appellant and his wife Raj Bala and the same 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 amicably 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.499 dated 19.07.2013, under Sections 307 IPC and Section 27 Arms Act, Police Station Civil Lines, Gurugram along with all the subsequent proceedings including the judgment and order dated 8/10.02.2016 passed by the Court of Additional Sessions Judge, Gurgaon 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, the present appeal CRA-S-1514-SB-2016 stands disposed of in the above terms.

24.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**