

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRA-S-2723-SB-2011(O&M)

Date of Decision:-10.01.2024

Gurnam Singh & Anr.

.....Appellants.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Nagar, Advocate for the Appellants.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. J.S. Thind, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The appellants have preferred the instant appeal against the judgment of conviction and order of sentence dated 4.10.2011 passed by Additional Sessions Judge, Mansa convicting the appellants in case FIR No.52 dated 04.04.2008 under Sections 324, 323, 506, 386 and 34 IPC registered at Police Station Sardulgarh on the basis of compromise dated 18.11.2023 (Annexure P-1) arrived at between the parties.

Vide order dated 31.10.2011 the appeal was admitted.

As the parties have amicably settled the dispute, on the oral request of the parties, the main appeal is ordered to be taken up today itself for hearing.

Vide order dated 06.12.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in

terms of certain parameters given in the aforesaid order dated 06.12.2023 with regard to the compromise dated 18.11.2023 (P-1).

The Trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 06.12.2023 passed by this Court, the parties have appeared before Ms. Harpreet Kaur Nafra, Sub Divisional Judicial Magistrate, Sardulgarh and as per the report dated 03.01.2024 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 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 learned Sub Divisional Judicial Magistrate, Sardulgarh accompanied by statements of both the parties, the FIR No.52 dated 04.04.2008 under Sections 324, 323, 506, 386 and 34 IPC registered at Police Station Sardulgarh along with all consequential proceedings arising therefrom including the judgment of conviction passed by ASJ, Mansa are hereby quashed qua the appellants.

Appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 10, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>