

CRM-M-6110-2024

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-6110-2024 (O&M)

Date of Decision: 13.03.2024

JASPAL SINGH @ JASSI

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Ankit Gupta, Advocate for

Mr. Gaurav Goyal, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 58 dated 20.03.2005 registered under Sections 382, 506, 452, 324 and 34 of Indian Penal Code at Police Station Kotwali Barnala, District Barnala and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 28.11.2011 passed by learned Judicial Magistrate Ist Class, Barnala and judgment dated 15.10.2012 passed by learned Additional Sessions Judge, Barnala upholding the judgment passed by the trial Court, in view of the affidavit dated 18.12.2023 (Annexure P-3) of the complainant.

2. The following order was passed on 08.02.02024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 58 dated 20.03.2005 registered under Sections 382, 506, 452, 324, 34 of Indian Penal Code registered at Police Station Kotwali Barnala, District Barnala and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 28.11.2011 (Annexure P-1) as well

as judgment of conviction dated 15.10.2012 (Annexure P-2) passed by learned Additional Sessions Judge, Barnala on the basis of compromise dated 18.12.2023 (Annexure P-3).

Learned counsel for the petitioners relies upon Ram Gopal and another vs. State of Madhya Pradesh, 2021 SCC Online SC 834 to contend that even after the conviction of the accused the proceedings can be quashed on the basis of compromise during the pendency of the appeal.

Notice of motion.

At this stage, on the asking of the Court Mr. Subhash Godara, Addl. A.G. Punjab accepts notice on behalf of respondent No.1-State and Mr. Gaurav Goyal, Advocate accepts notice on behalf of respondent No. 2 and files his Power of Attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

The parties are directed to appear before the learned trial Court/ Illaqa Magistrate within two weeks or any other date convenient to concerned Court to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the petitioners on or before the date fixed i.e. 13.03.2024.

A copy of the order be sent to the learned trial Court/Illaqa Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*** and this Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*** and, partial compromise is permissible.

5. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 58 dated 20.03.2005 registered under Sections 382, 506, 452, 324 and 34 of Indian Penal Code at Police Station Kotwali Barnala, District Barnala and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 28.11.2011 passed by learned Judicial Magistrate Ist Class, Barnala and judgment dated 15.10.2012 passed by learned Additional Sessions Judge, Barnala are quashed, qua the petitioner.

13.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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