

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10344-2024
Date of Decision:03.04.2024

Tarsem Singh and Others	Petitioners
Vs.	
State of Punjab and Another	Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Komal Balain, Advocate
for the petitioners.

Mr. Amandeep Singh, DAG, Punjab.

Ms. Simrat Kaur, Advocate
for respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.108 dated 21.07.2011 registered under Sections 452, 324, 323, 148, 149 of the IPC registered at Police Station Gharinda, District Amritsar City and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-5).

2. Learned counsel for the petitioners contends that petitioners have been convicted by Trial Court vide judgment dated 14.11.2018 under Sections 452, 326, 323, 324, 148 & 149 of the IPC and sentence to undergo maximum rigorous imprisonment for 3 years in addition to fine of ₹500/- with default sentence. Against the said judgment of conviction and order of

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sentence, petitioners have filed appeal before Learned Sessions Court, which is pending adjudication. Prayer is made to quash the judgment of conviction and order of sentence.

3. Learned counsel has referred to ***“Ramgopal and another v. State of Madhya Pradesh”*** 2021 SCC Online SC 834, to contend that criminal proceedings involving non-heinous offences or where offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has been concluded and appeal stands dismissed against conviction, under extraordinary powers enjoined upon the High Court under Section 482 Cr.P.C.

4. This Court vide order dated 27.02.2024 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

5. Pursuant to the aforesaid order, parties have appeared before Learned Additional Sessions Judge and got their statements recorded. On the basis of the statements so recorded, Learned Additional Sessions Judge has submitted report dated 02.04.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

6. Learned State counsel concedes the factum of the compromise amongst the parties and has no objection to allow the petition and set aside the impugned judgment of conviction and order of sentence on account of

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the compromise having been effected between the parties.

7. Consequent to the aforesaid facts and circumstances and having regard to the legal position as explained in Ramgopal’s case (*supra*), the impugned judgment of conviction and order of sentence, are hereby set aside on account of the compromise between the parties.

8. In view of the compromise between the parties, this petition is allowed and F.I.R. No.108 dated 21.07.2011 registered under Sections 452, 324, 323, 148, 149 of the IPC registered at Police Station Gharinda, District Amritsar City and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-5), are quashed *qua* the petitioners.

(DEEPAK GUPTA)
JUDGE

April 03, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No