

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRM-M-11755-2024
Decided on: 06.03.2024

Hirdayjit Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Satnam Singh Thakur, Advocate (Through VC)
for the petitioner.

Ms. Swati Batra, DAG, Punjab (Through VC).

Mr. Anshul Sharma, Advocate and
Mr. Pragati Kumar, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
306	07.09.2004	Banga, Nawanshahar, District SBS Nagar	307, 326, 324, 452, 323, 341, 427, 504, 34 IPC

1. Seeking quashing of the FIR based on the compromise, the convict who has been convicted for the offence under Sections 326, 324, 323 IPC to undergo substantive sentence of three years, has come up before this Court by filing the present petition on the ground that compromise has been effected between him and the complainant (respondent No.2).
2. Counsel for the State submits that the petitioner has already filed an appeal before this Court i.e. CRA-S-888-SB-2011 and the said appeal has been admitted and petitioner has been granted suspension of sentence vide order dated 30.03.2011. State counsel opposes the present petition on the ground that once the appeal is pending before this Court, then appropriate procedure is to file application under Section 482 CrPC in the said appeal and if the compromise is legally permissible, only then this Court can proceed further.
3. Faced with this, petitioner wants to withdraw the present petition with liberty to file an application under Section 482 CrPC in the pending appeal for setting aside the

judgment of conviction, order of sentence and other emanating proceedings if any on the basis of compromise and with further liberty to file an application for arraigning the complainant as private respondent in the said appeal.

4. Counsel appearing for respondent No.2 submits that he has no objection if the compromise is accepted and conviction is set aside based on compromise.

5. Given above, present petition is disposed of as withdrawn with the liberty as prayed for. It is clarified that filing and withdrawal of the present petition shall not come in the way of petitioner, in case convict files a separate application in the above said appeal and the Registry shall not raise any objection about maintainability of such application in the appeal. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

06.03.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.