

**CRM-M-15235-2024 (O&M)****- 1 -****305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-15235-2024 (O&M)
DATE OF DECISION : 19.09.2024****JASWINDER SINGH ALIAS MODI****... PETITIONER****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****Present: Mr. P.S. Paul, Advocate,
for the petitioner.****Mr. Davinder Bir Singh, Sr. DAG, Punjab.****Mr. Ravinder Singh, , Advocate
for respondent No.2.***** * * *****HARPREET KAUR JEEWAN, J. (ORAL)**

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.93, dated 01.11.2014, registered at Police Station Ghanaur, District Patiala under Sections 354, 354-A, 354-B and 323 of the IPC and the judgment of conviction, dated 29.04.2023 passed by learned Judicial Magistrate, 1st Class, Rajpura (Annexure P-2), whereby the petitioner was convicted for the offences punishable under Sections 354, 354-B and 323 IPC, on the basis of compromise, dated 14.03.2024 (Annexure P-4) between the parties. The findings of conviction and sentence were challenged by the petitioner by filing an appeal which is pending before the learned Additional Sessions Judge, Patiala.



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2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered due to misunderstanding and misconception between the parties and now the matter has been resolved between them. Both, the petitioner and respondent No.2 (complainant) are the residents of same village. He further contends that the parties have effected a compromise dated 14.03.2024 (Annexure P-4), as such respondent No.2-complainant does not want to take any action against the petitioner in the present FIR.

2.1 In support of his contentions, counsel for the petitioner has relied upon the following judgments:-

i. Sukhwinder Singh and another vs. State of Punjab and another (CRM-M-31595-2022), decided on 26.09.2022;

(P&H High Court)

ii. Sube Singh and another vs. State of Haryana and another

2013 (4) RCR (Criminal) 102; (P&H High Court)

iii. Amarjit Kaur and another vs. State of Punjab and another

2022 (1) RCR (Criminal) 371; (P&H High Court)

iv. Lal Chand vs. State of Haryana 2009 (5) RCR (Criminal)

838 and (P&H High Court)

v. Ramgopal and another vs. State of Madhya Pradesh (2021)

(4) RCR (Criminal) 322 (Hon'ble Supreme Court)

3. Learned counsel appearing on behalf of respondent No. 2-complainant has confirmed the factum of compromise between the parties and submits that he has no objection if the judgment of conviction and order



of sentence is set aside and the present FIR against the petitioner is quashed.

4. On 22.03.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

5. The report, dated 22.05.2024, of the learned Judicial Magistrate First Class, Rajpura through the District & Sessions Judge, Patiala has been received. The relevant portion of the said report reads as under:-

XXXX XXXX XXXX XXXX

“It is respectfully submitted that the aforesaid FIR was lodged against accused Jaswinder Singh @ Modi only who is on bail and not a proclaimed offender. In view of the statement of ASI Swaran Singh, it is reported that other than the complainant Seema Devi, there is no other complainant, injured or victim in the present FIR. It is further reported that during investigation no additional accused has been added and that no offence has been added or deleted. Also, it is reported that investigation has been completed and that the accused has not been declared as innocent. Further, keeping in view all aspects and statements of complainant Seema Devi and accused Jaswinder Singh @ Modi, I am of the considered view that compromise between them is genuine and has been freely entered into between them without any undue influence, coercion or pressure of any kind. Also, their statements are bona fide and are not result of any threat or coercion.”

XXXX XXXX XXXX XXXX

6. Learned State counsel referring to the statement of PW-2 Dr. Surinder Singh, submits that as per the medical opinion, there were two injuries on the person of the complainant, which were simple in nature and



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there was no serious injury. He submits that he has no objection regarding the acceptance of the present petition.

7. In **Sukhwinder Singh and another** vs. **State of Punjab and another** (CRM-M-31595-2022), decided on 26.09.2022, while quashing the FIR and the proceedings under Section 482 Cr.P.C. which was registered under Section 457 and 380 of the IPC, a co-ordinate Bench of this Court, quashed the proceedings including the judgment of conviction and sentence, charges and FIR while placing reliance on the decision of Hon'ble the Apex Court in **Shakuntla Sawhney** vs. **Kaushalya Sawhney** (1979) 3 SCR 639, it was observed that the finest hour of justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sentence of fellowship or reunion.

8. Hon'ble the Apex Court in **Ramgopal** vs. **State of Madhya Pradesh** 2021 (4) RCR (Criminal) 322, quashed the proceedings by observing that the criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that the trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions.

9. In the present case, the allegations are that the petitioner teased and outraged the modesty of the complainant. He had also given her beatings and torn her clothes. None of the injuries is grievous in nature. Both the parties are resident of same village. They have amicably settled

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their dispute. Further, keeping the proceedings on the basis of the present FIR, awarding punishment on the basis of conviction and order of sentence would not be in the interest of justice, as such, in order to secure the ends of justice, the criminal proceedings including the FIR, charges, judgment of conviction and sentence are liable to be quashed.

10. Consequently, this petition is allowed and FIR No.93 dated 01.11.2014, registered at Police Station Ghanaur, District Patiala under Sections 354, 354-A, 354-B and 323 IPC and all the subsequent proceedings emanating therefrom, including the judgment of conviction passed by the Judicial Magistrate, 1st Class, Rajpura vide judgment dated 29.04.2023 (Annexure P-2) are ordered to be quashed/set aside, qua the petitioner.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

19.09.2024

Janki/nitin

**(HARPREET KAUR JEEWAN)
JUDGE**

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