



::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(298)

CRM-M-19037 of 2024 (O & M)
Date of decision: 05.08.2024

Karnail Singh Petitioner(s)
V/s

State of Punjab and anr. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Naresh Chander, Advocate,
for the petitioner(s).

Mr. Mohit Saroha, AAG, Punjab.

Mr. Kripal Singh, Advocate,
for the respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for the quashing of FIR No.83 dated 29.07.2015 under Sections 279, 337 and 338 IPC registered at Police Station Julkan, District Patiala, Punjab, the judgment of conviction dated 04.01.2023 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 22.03.2024 (Annexure P-3) arrived at between the parties.

The learned counsel for the petitioners submits that the petitioners-accused has been convicted and sentenced vide judgment and order dated 04.01.2023 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Patiala. The appeal of the petitioner-accused is pending before the Additional Sessions Judge, Patiala.



::2::

Vide order dated 19.04.2024 this Court had directed the parties to appear before the Trial Court for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 19.04.2024 with regard to the compromise (Annexure P3).

In terms of the order dated 19.04.2024 passed by this Court parties have appeared before the court of Judicial Magistrate Ist Class, Patiala and as per report dated 21.05.2024, 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 with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(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 Judicial Magistrate Ist Class, Patiala accompanied by the joint statement of both the parties, the FIR No.83 dated 29.07.2015 under Sections 279, 337 and 338 IPC registered at Police Station Julkan, District Patiala, Punjab, the judgment of conviction dated 04.01.2023 (Annexure P-2) passed by the Judicial Magistrate Ist



::3::

Class, Patiala and all consequential proceedings arising therefrom are hereby quashed qua the petitioner only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 05, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No