



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

292

CRM-M-21894-2024

Date of decision : May 22, 2024

AMARJIT SINGH AND ANOTHER

....PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Tanya Sehgal, Advocate
for the petitioners.

Mr. Raghav Garg, AAG, Punjab.

Mr. Navjot Kaur, Advocate,
for respondent No.2/complainant.

KULDEEP TIWARI.J. (ORAL)

1. The petitioners, who have been convicted by the learned trial Court concerned vide judgment dated 07.11.2023 in case FIR No.148 dated 28.09.2016 under Sections 323, 324, 506 and 34 IPC, and under Sections 325 and 326 (added later on vide GD No. 25 dated 23.02.2017) IPC registered at Police Station City Gurdaspur, and also the order of sentence vide order of even date, have approached this Court seeking quashing of FIR (supra), and the judgment of conviction and order of sentence on the ground that the matter stands compromised inter-se the parties. The statutory appeal against the verdict of conviction, as preferred by the petitioners is pending consideration before the learned Appellate Court concerned.



2. In the meanwhile, the instant petition has been filed. From the record, it transpires that vide order dated 07.11.2023, the petitioners have been sentenced as under:-

1. Amarjit Singh	326/34 IPC	Rigorous imprisonment for Three years and fine to the tune of Rs.5,000/- and in default of payment of fine, he shall further undergo S.I. for 15 days.
	325/34 IPC	Rigorous imprisonment for Three years and fine to the tune of Rs.5000/- and in default of payment of fine, he shall further undergo S.I. 15 days.
	324 IPC	Rigorous imprisonment for Three years and fine to the tune of Rs.5000/- and in default of payment of fine, he shall further under S.I. for 15 Days.
2. Taranjit Singh	326 IPC	Rigorous imprisonment for Three years and fine to the tune of Rs.5000/- and in default of payment of fine, he shall further undergo S.I. for 15 days.
	325/34 IPC	Rigorous imprisonment for Three years and fine to the tune of Rs.5000/- and in default of payment of fine, he shall further undergo S.I. for 15 days.
	324/34 IPC	Rigorous imprisonment for Three years and fine to the tune of payment of fine, he shall further undergo S.I. for 15 days.

3. This Court at the time of issuance of notice of motion, had directed the parties to cause appearance before the learned trial Court concerned, to get their respective statements recorded in order to authenticate the compromise effected between the parties.

4. Upon an affirmative response from the learned counsel for respondent No.2 complainant *qua* the compromise (Annexure P-2), this Court had, through an order drawn on 06.05.2024, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial



Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise dated 27.03.2024 (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

5. Consequent to the making of the directions (*supra*), the parties appeared before the learned Additional Sessions Judge Gurdaspur, and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.361 dated 17.05.2024, has been received from the learned Additional Sessions Judge Gurdaspur, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

6. Though in the FIR, There are a total four accused, but during the investigation two accused were found innocent, and the challan was presented only *qua* the present petitioners.

7 This Court have heard counsel for the parties and gone through the case file.

8. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise



deed and the statements recorded before the concerned Court;

b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

9. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have(has) been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh, others Vs. State of Punjab 2007(3) RCR***



(Criminal) 1052, the present petition for quashing the FIR (supra) is hereby allowed.

10. Resultantly, FIR No.148 dated 28.09.2016 under Sections 323, 324, 506 and 34 IPC and under Sections 325 and 326 (added later on vide GD No. 25 dated 23.02.2017) IPC, registered at Police Station City Gurdaspur and all the subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise dated 23.07.2024 (Annexure P-2), subject to payment of Rs.5,000/-, to be deposited with the District Legal Services Authority concerned. Consequently, the judgment of conviction, and order of sentence, dated 07.11.2023 are hereby set aside, and the petitioners if in custody, are ordered to be released forthwith, if not required in any other case(s).

May 22, 2024
monika

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No