

267(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-27073-2023 (O&M)

Date of Decision: 13.02.2024

MOHAN LAL AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.K. Singla, Advocate for the petitioners.

Mr. Madhur Sharma, DAG Punjab.

Ms. Deemple Kohli, Advocate for

Ms. Kashish Garg, Advocate for respondents No. 2 to 5.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of DDR No. 31 dated 29.03.2014 registered under Sections 323, 427 and 34 of Indian Penal Code at Police Station Kot Dharmu District Mansa as well as setting aside of impugned judgment and order dated 23.01.2018 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Mansa, vide which the petitioners (except petitioner No. 8, against whom trial is still pending) have been convicted under Sections 323, 148, 149 of Indian Penal Code and all subsequent proceedings arising therefrom in view of the compromise dated 26.07.2023 (Annexure P-7).

2. The following order was passed on 29.05.2023:

“The prayer in the present petition filed under Section 482 Cr.P.C. For quashing of DDR No.31 dated 29.03.2014 under Sections 323, 427, 34 IPC (Act No.45 of 1860) registered at Police Station Kot Dharmu District Mansa (Annexure P-1) as well as setting aside of impugned

judgment and order dated 23.01.2018 (Annexure P-3) passed by learned Judicial Magistrate Ist Class Mansa vide which the petitioners (except petitioner No.8 against whom trial is still pending) have been convicted under Sections 323, 148, 149 IPC (Act No.45 of 1860) and all the subsequent proceedings arising thereafter, on the basis of compromise between the petitioners and respondents No.2 to 5 (Annexure O-&) during the pendency of appeals pending before the Hon'ble Sessions Court Mansa for 26.07.2023.

Learned counsel for the petitioners submits that parties are closely related to each other being relatives and impugned DDR No.31 dated 29.03.2014 registered at the instance of respondent No.2-complainant and respondent No.3 to 5 who are also affected in the impugned DDR being received injuries in the alleged occurrence. He has also submitted that cross case i.e. CRM-M-26472-2023 is pending adjudication for 10.10.2023. Learned counsel for the petitioner states that petitioners have been convicted by the learned trial Court vide judgment dated 23.01.2018 and the convicts were sentenced as under:-

Name of convicts	Sections	Sentence
1. Amarjit Sharma 2. Roshan Ram, 3. Kaka Ram 4. Bagga Ram 5. Pala Ram 6. Mohan Lal 7. Gugley and 8. Dimple	148 IPC	RI for one year each.
-do-	323/149 of IPC	RI for six month each

Fine stands already deposited. Thereafter, two appeal have been filed and the same is pending before the learned Sessions Judge, Mansa. He further submits that both the parties are relative with each other and thus they have settle their dispute amicably.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab, accepts, notice on behalf of respondent No.1-State.

Mr. Kashish Garg, Advocate, appears and files vakalatnama on behalf of respondent Nos.2 to 5. The same is taken on record. He has affirmed the factum of compromise between the parties.

A copy of the paper book be supplied to them during the course of the day.

Let the parties to appear before the learned Sessions Judge, Mansa, within a period of two months, for getting their statements recorded with regard to the compromise subject to the cost of Rs.5,000/- to be deposited in the District Legal Services Authorities, concerned. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. The learned Court is directed to report on the following points:-

(i) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

(ii) whether petitioner are involved in any other case, if so, stage of the case.

(iii) What is the stage of appeal of Roshal Lal son of Chanan Ram.

Report be sent on or before the next date of hearing.

Adjourned to 10.10.2023.

To be heard alongwith CRM-M-26472-2023.”

3. In compliance of the above order, report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney**

(Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052, this petition is allowed and DDR No. 31 dated 29.03.2014 registered under Sections 323, 427 and 34 of Indian Penal Code at Police Station Kot Dharmu District Mansa as well as impugned judgment and order dated 23.01.2018 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Mansa, vide which the petitioners (except petitioner No. 8, against whom trial is still pending) have been convicted and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

13.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

AJAY GOSWAMI
2024.02.14 09:37
I attest to the accuracy and
integrity of this document