

CRM-M-26472-2023

CRM-M-26472-2023 (O&M)
Date of Decision: 13.02.2024

PALA RAM AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Deemle Kohli, Advocate for
Ms. Kashish Garg, Advocate for the petitioners.
Mr. Madhur Sharma, DAG Punjab.
Mr. J.K. Singla, Advocate for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 26 dated 31.03.2014 registered under Sections 452, 323, 325, 148 and 149 of Indian Penal Code at Police Station Kot Dharmu, District Mansa as well as setting aside of the impugned judgment and order dated 23.01.2018 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Mansa vide which the petitioners have been convicted under Sections 452, 323, 325, 148 and 149 of Indian Penal Code and all subsequent proceedings arising therefrom in view of the compromise dated 31.05.2023 (Annexure P-6).

2. The following order was passed on 25.05.2023:

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.26, dated 31.03.2014, under Sections 452, 323, 325, 148, 149 of IPC (Act No.45 of 1860), registered 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 the learned Judicial Magistrate, Ist Class,

Mansa, vide which the petitioners have been convicted under Sections 452, 323, 325, 148, 149 of IPC (Act No.45 of 1860) along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties. Learned counsel for the petitioners submits that parties are closely related to each other being relatives and the aforesaid FIR was registered after completion of trial, wherein the present petitioners are convicted under Sections 452, 323, 325, 148, 149 IPC, vide judgment dated 23.01.2018 (Annexure P-3), passed by learned JMJC, Mansa, and were sentenced as under:-

<i>Name of convicts</i>	<i>Sections</i>	<i>Sentence</i>
<i>Pala Ram, Sarbjit Kumar, Naresh Kumar, Mitha Ram, Binder Kumar</i>	<i>148 IPC</i>	<i>RI for one year</i>
	<i>452 IPC</i>	<i>RI For two years with fine of Rs. 500/- each. In default whereof to undergo further imprisonment for a period of one month</i>
	<i>323 IPC (on two count)</i>	<i>RI for six month each (in each count)</i>
	<i>323/149 IPC (on three count)</i>	<i>RI for six month each (in each count)</i>
	<i>325/149 IPC</i>	<i>RI for two years with fine of Rs. 500/- each. In default whereof to undergo further imprisonment for a period of one month.</i>

Fine stands already deposited. Thereafter, appeal was filed and the same is pending before the learned Additional Sessions Judge, Mansa. He further submits that the parties have entered into a compromise.

Notice of motion.

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

Mr. J.K. Singla, Advocate, appears and files vakalatnama on behalf of respondent Nos.2 and 3. 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

Additional Sessions Judge, Mansa, as the case may be, within a period of two months, for getting their statements recorded with regard to the compromise subject to the cost of Rs.10,000/- 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. Trial Court is directed to report on the following points:-

- (i) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (ii) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (iii) whether petitioner are involved in any other case, if so, stage of the case.*

*Report be sent through the learned Additional Sessions Judge, Mansa, before the next date of hearing.
Adjourned to 10.10.2023.”*

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 FIR No. 26 dated 31.03.2014 registered under Sections 452, 323, 325, 148 and 149 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 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	Yes/No
Whether reportable	Yes/No