

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-939-2021(O&M)
Date of Decision : 26.02.2024

JAJ SINGHPetitioner

VERSUS

RAJESH KUMARRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Hoshiar Singh, Advocate,
for the petitioner.

Mr. Kulwinder Singh, Advocate for
Mr. Kamlesh Kumar Maurya, Advocate,
for the respondent.

KULDEEP TIWARI. J.(Oral)

1. Through the instant revision petition, the petitioner throws challenge to the judgment of conviction dated 01.09.2015 and order of sentence of even date, passed by the learned Sub-Divisional Judicial Magistrate, Jalalabad (West) and upon filing the statutory appeal, the judgment dated 01.05.2017, passed by the learned Additional Sessions Judge, Fazilka.
2. The sentence, as imposed upon the petitioner by the learned trial Court concerned, is extracted hereinafter:-

Offence	Imprisonment	Imprisonment in default of payment of fine
Section 138 of the Negotiable Instruments Act, 1881.	2 years and fine of Rs.10,000/-	1 year imprisonment.

3. During the pendency of the instant petition, the matter was compromised between the parties. And as per the order dated 01.02.2022,

the petitioner has already deposited the amount of Rs.45,000/-, in the office of PSLSA, SAS Nagar, and remaining sentence of the petitioner was ordered to be suspended during the pendency of the instant petition.

4. Upon an affirmative response from the learned counsel for respondents No.2, *qua* the factum of compromise, this Court, through an order drawn on dated 01.02.2024, directed the parties to appear before the learned trial Court/*Illaqa* Magistrate/Duty Magistrate, concerned, for getting their respective statements recorded *qua* authenticity of the compromise. Moreover, the learned trial Court/*Illaqa* 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 Sub-Divisional Judicial Magistrate, Jalalabad(West), and got their respective statements recorded *qua* compromise. Accordingly, in compliance of the directions (*supra*) of this Court, a report bearing No.216, dated 23.02.2024, has been received from the learned Sub-Divisional Judicial Magistrate, Jalalabad (West), 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. Learned counsel for respondent No.2/complainant, has reiterated that the matter has been amicably settled between the parties, and the complainant has no objection, if the offences are compounded.

7. I 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 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. Considering the fact that the parties have decided to bury their *inter-se* dispute and further decided to live in peace, present revision petition is **allowed** and impugned judgment of conviction dated 01.09.2015, and order of sentence of even date, passed by the learned Sub-Divisional Judicial Magistrate, Jalalabad (West) as also the impugned judgment dated 01.05.2017, passed by the learned Additional Sessions Judge, Fazilka, are hereby set aside.

11. All pending application(s), if any, also stands disposed of.

(KULDEEP TIWARI)
JUDGE

February 26, 2024
dharamvir

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