

CRM-M-42320-2023
Date of decision: 13.03.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Aazam Khan, Advocate for
Mr. A.K. Ranolia, Advocate
for respondent Nos.2 and 3.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.57 dated 12.06.2015, under Sections 324, 326, 34 IPC, registered at Police Station Ghuman, District Batala (Annexure P-1) along with all subsequent proceedings arising therefrom including the judgment of conviction dated 10.01.2020 (Annexure P-2), on the basis of compromise dated 10.07.2023 (Annexure P-3), arrived at between the parties.

2. The following order was passed on 13.12.2023 :-

“xxx....

CRM-M-42320-2023

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.57 dated 12.06.2015, under Sections 324, 326, 34 IPC, registered at Police Station Ghuman, District Batala, Annexure P-1, along with all subsequent proceedings arising therefrom including the judgment of conviction dated 10.01.2020, Annexure

P2, on the basis of compromise dated 10.07.2023, Annexure P3, arrived at between the parties.

*Counsel for the petitioners submits that an altercation took place between the parties as there was a dispute regarding construction on land. He submits that the dispute has been amicably settled between the parties by compromise, Annexure P3. Counsel submits that the compromise was arrived during the pendency of the appeal instituted by the petitioners against their conviction. By placing reliance on the judgment of Division Bench of this Court in **Sube Singh & Another Versus State of Haryana & Another, 2013 (4) RCR (Criminal) 102**, he submits that criminal proceedings can be quashed during the pendency of the appeal by the accused against their conviction, on the basis of the settlement between the parties.*

Notice of motion.

On asking of the Court, Mr.A.P.S. Tung, DAG, Punjab, accepts notice of behalf of State-respondent No.1.

Mr.A.K. Ranolia, Advocate has put in appearance and accepts notice on behalf of respondents No.2 and 3. He has filed memo of appearance, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.

The parties and the Investigating Officer are directed to appear before the Appellate Court on 16.01.2024 or on any day thereafter as fixed by the Appellate Court, for getting their statements recorded with regard to the compromise. The Appellate Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*

5. whether any other criminal case is pending against the accused.

Report of the Appellate Court be awaited for 13.03.2024.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court and perusal of the same indicates 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.57 dated 12.06.2015, under Sections 324, 326, 34 IPC, registered at Police Station Ghuman, District Batala (Annexure P-1) along with all subsequent proceedings arising therefrom including the judgment of conviction dated 10.01.2020 (Annexure P-2) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

March 13, 2024

manisha

(HARPREET SINGH BRAR)

JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |