



CRM-M-42251-2019 (O&M) - 1 -

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42251-2019 (O&M)
DATE OF DECISION : 27.08.2024

SUKHCHAINDEEP SINGH @ CHEENU ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sukhpal Singh, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab assisted by
SHO Amritpal Singh.
Mr. Sukhjit Singh, Advocate for respondent No.2.
* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 read with Section 320 of Cr.P.C. for quashing of FIR No. 207 dated 21.09.2016, registered at Police Station City Jagraon, District Ludhiana, under Sections 354, 354-B and 120-B of IPC on the basis of compromise deed dated 21.09.2019 (Annexure P-3) executed between the parties.

[2] Learned counsel for the petitioner contends that present FIR has been registered at the instance of complainant/respondent No. 2-Jyoti Arora. The petitioner was not named in the FIR. However, he was convicted by the learned trial Court under Sections 354, 354-B IPC read with Section 120-B IPC and sentenced to undergo rigorous imprisonment for a period of 3 years and to pay fine of Rs. 10,000/- in total and in default of payment of fine, to undergo rigorous imprisonment for a period of six months, as per the judgment and order dated 04.02.2019 (Annexure P-2). Now, the parties have effected a compromise dated 21.09.2019 (Annexure P-3).

**CRM-M-42251-2019 (O&M)****- 2 -**

The co-accused of the petitioner namely Ravinder Singh @ Ravinda, Gurjant Singh @ Janta and Manjinder Singh @ Mannu have also filed a petition under Section 482 Cr.P.C. for quashing of the FIR bearing CRM-M-18937-2019 which has been allowed vide order dated 28.04.2022 (Annexure P-9). Thereafter, four co-accused of the petitioner namely Partap Singh @ Chani, Maniza, Ravi Kumar @ Golu and Gagandeep Singh @ Ganga have filed a similar petition under Section 482 Cr.P.C. for quashing of the FIR bearing CRM-M-52104-2019 which has been allowed vide order dated 19.12.2022 (Annexure P-10).

[3] Learned State counsel has confirmed about the acceptance of compromise on behalf of Ravinder Singh @ Ravinda and others and Partap Singh @ Chani vide orders Annexures P-9 and P-10.

[4] Learned counsel appearing on behalf of respondent No. 2 has submitted that he has no objection for acceptance of the present petition as the compromise between the parties is genuine.

[5] On 27.02.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 11.05.2023, received from the learned Judicial Magistrate First Class, Jagraon, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. However, it was pointed out that apart from the petitioner, there are 7 other accused named in the FIR.



CRM-M-42251-2019 (O&M)

- 3 -

[7] Both the parties are residents of the same place and the compromise on behalf of the co-convicts has been accepted by this Court as per Annexures P-9 and P-10. This Court places reliance on the ratio of the decision of the Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052.** While delivering the judgment, the Hon'ble Bench observed that an amicable compromise is a *sine qua non* feature of a modern society and if the powers under Section 482 Cr.P.C. can be used to enhance the compromise in a frictionless manner, it would be the 'finest hour of justice'. Further, in the case of **Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal) 102,** the Hon'ble Court held that non-acceptance of the compromise will amount to denial of complete justice 'which is the very essence of our justice system'. In view of the aforementioned conclusions of the Hon'ble Court, the present petition is allowed and FIR No. 207 dated 21.09.2016, registered at Police Station City Jagraon, District Ludhiana, under Sections 354, 354-B and 120-B of IPC and consequential proceedings emanating therefrom are quashed qua the petitioner and the judgment of conviction and order of sentence dated 04.02.2019 passed by learned Judicial Magistrate First Class, Jagraon (Annexure P-2) is set aside qua the petitioner. The appeal pending before the appellate Court is automatically rendered infructuous.

[8] However, respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of



CRM-M-42251-2019 (O&M) - 4 -

compromise dated 21.09.2019 are violated.

[9] Pending miscellaneous application(s), if any, shall also stand disposed of.

27.08.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No