

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48155-2023

Date of Decision : 08.01.2024

JANG SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Eknoor Kaur Sara, Advocate,
for the petitioners.

Mr. Jashandeep Singh, AAG, Punjab.

Mr. Puneet Bali, Advocate,
for respondent no.2.

KULDEEP TIWARI. J.(Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.293 dated 05.12.2009, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at P.S. City Barnala, District Barnala and the judgment of conviction dated 07.03.2017, passed by the learned trial Court concerned, alongwith all the consequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), as entered into *inter se* the petitioners and respondent No.2/complainant.

2. Learned counsel for the petitioners, submits that initially, there were six accused in the FIR, but during the trial, 04 accused were acquitted, and only the present petitioners were convicted vide judgment dated 07.03.2017, and now with the intervention of the respectable

persons of the area, the matter has been compromised between the parties. The appeal preferred against the judgment of conviction dated 07.03.2017, is pending before the learned Additional Sessions Judge, Barnala.

3. Further, learned counsel for the petitioners has relied upon the judgment rendered by the Hon'ble Apex Court in case of **Ram Gopal and another Vs. State of Madhya Pradesh, 2021 (4) RCR (Criminal) 322** (criminal appeal No.1489 of 2012 decided on 29.09.2021).

4. Learned counsel has also relied upon a Division Bench judgment of this Court in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI.) 102**, wherein, on the basis of compromise, during pendency of an appeal against judgment of conviction, pending in the Court of Sessions, compounding of offence was allowed.

5. Upon an affirmative response from the learned counsel for respondent No.2/complainant, *qua* the compromise (Annexure P-2), this Court, through an order drawn on dated 22.09.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the learned appellate Court concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned appellate Court concerned was also directed to send a report in the above regard.

6. Consequent to the making of the directions (*supra*), the parties appeared before the learned Additional District and Sessions Judge, Barnala, and got their respective statements recorded, thereby,

authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.330 dated 06.11.2023, has been received from the learned Additional District and Sessions Judge, Barnala, wherein, a satisfaction has been recorded by the learned Additional District and Sessions Judge 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.

7. Learned State counsel as well as learned counsel for respondent No.2/complainant, have reiterated that the matter has been amicably settled between the parties and the complainant has no objection, if the offences are compounded.

8.. I have heard counsel for the parties and gone through the case file.

9. 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.”

10. 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.

11. Considering the fact that the parties have decided to bury their *inter-se* dispute and further decided to live in peace, present petition is allowed and FIR No.293 dated 05.12.2009, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at P.S. City Barnala, District Barnala, is hereby quashed on the basis of compromise (Annexure P-2).

Consequently, judgment of conviction and order of sentence dated 07.03.2017 passed by the learned Chief Judicial Magistrate, Barnala, are set aside.

The petitioners are directed to be released from the prison forthwith, if not required in any other case(s).

January 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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