

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55826-2023 (O&M)
Date of decision: 16.1.2024

Om Parkash Sharma and another
...Petitioner(s)
Versus
State of Punjab and others
...Respondent(s)

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Kumar, Advocate, for the petitioner(s).
Mr. Jaiteshwar S. Bhandari, AAG, Punjab
Mr. Sukhdev Singh, Advocate, for
Mr. Sahil Jain, Advocate, for respondents No.2 to 4.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.03 dated 11.1.2013 registered under Sections 420 IPC at Police Station Mukerian, District Hoshiarpur along with subsequent proceedings i.e. Criminal Appeal No.RBT No. 28 dated 7.5.2013 (CRA No.380 of 2018) titled Om Parkash and others v. State of Punjab arising out of judgment and order dated 28.8.2018 passed by Judicial Magistrate, 1st Class, Mukerian, on the basis of compromise.

2. The above stated FIR was registered on the statement of the complainant-Harbans Singh against the petitioners. Admittedly, complainant has died and respondents No.2 to 4 are his legal heirs.

3. On notice of motion, respondents No.2 to 4 appeared in the Court through their counsel and pleaded that they have no objection if the

FIR in this case is quashed on the basis of the aforesaid compromise which

has been effected between the parties.

4. During the course of preliminary hearing, the trial Court/Illaqa Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

5. In compliance thereof, report from the Court of District & Sessions Judge, Hoshiarpur along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

6. I have heard learned counsel for the parties.

7. On conclusion of trial, the petitioners were convicted and sentenced to imprisonment by the trial Court vide judgment and order dated 28.8.2018 (Annexure P-3). The appeal filed by the petitioners is pending in the Court of Sessions Judge, Hoshiarpur.

8. Learned counsel for the petitioners and for respondents No.2 to 4 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

9. A Division Bench of this Court in **Sube Singh and another v. State of Haryana and another**, 2013(4) RCR(Criminal) 102 allowed the compromise quashing petition and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the Court of Additional Chief Judicial Magistrate whereby the accused persons were convicted and sentenced to imprisonment and further held that the

appeal preferred by the accused persons against the aforesaid judgment and

order has been rendered infructuous.

10. Recently the Hon'ble Apex Court in Criminal Appeal No.1393 of 2011 titled as **Ramawatar v. State of Madhya Pradesh** decided on 25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.

11. In the case in hand, the parties have effected compromise. In view of the compromise, respondents No.2 to 4 does not want to take any further action against the petitioners. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So no fruitful purpose would be served by keeping the proceedings pending in the Appellate Court.

12. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.03 dated 11.1.2013 registered under Sections 420 IPC at Police Station Mukerian, District Hoshiarpur along with subsequent proceedings thereof including judgment and order dated 28.8.2018 (Annexure P-3) passed by the Court of Judicial Magistrate, 1st Class, Mukerian, are quashed.

13. Resultantly, the appeal preferred by the petitioner against the aforesaid judgment and order dated 28.8.2018 (Annexure P-3) would be rendered infructuous.

14. The present petition stands allowed in the aforesaid terms.

(**KARAMJIT SINGH**)
JUDGE

January 16, 2023
Paritosh Kumar

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