

CRM-M-61941-2023

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARHCRM-M-61941-2023 (O&M)
Date of Decision: 22.01.2024

PRINCE SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of the FIR No. 201 dated 05.09.2020 registered under Sections 324, 323, 34 and 201 of Indian Penal Code at Police Station Amargarh, District Sangrur (Annexure P-3) and all subsequent proceedings arising therefrom including the challan/final report dated 01.01.2021 (Annexure P-4) as well as judgment and order of conviction dated 10.08.2023 (Annexure P-5) on the basis of compromise dated 06.09.2023 (Annexure P-7).

2. In view of the resolution passed by Punjab & Haryana High Court Bar Association, there is no representation on behalf of the parties.

3. On 08.12.2023, following order was passed:

“xxxx

Learned counsel for the petitioners inter alia contends that the petitioners were convicted in FIR No. 201 dated 05.09.2020 registered under Sections 324, 323, 34 and 201 IPC at Police Station Amargarh, District Sangrur and awarded rigorous

*imprisonment for two years. The appeal against the judgment and order of conviction dated 10.08.2023 passed by learned Judicial Magistrate 1 Class, Malerkotla is pending before Sessions Judge, Sangrur and during the pendency of the appeal the compromise has been effected between the parties on 06.09.2023, therefore, in view of the law laid down by the Hon'ble Supreme Court in **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834**, quashing of the FIR as well as judgment and order of conviction dated 10.08.2023 is sought.*

Notice of motion.

Mr. Digvijay Nagpal, AAG, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State.

At this stage, Ms. Shivani Jagian, Advocate puts in appearance on behalf of respondent No.2 and filed Vakalatnama in the Court today which is taken on record. Copy of the paper book be supplied during the course of the day.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Area Magistrate, as the case may be, within a period of two weeks from today for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*

(iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

(v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 22.01.2024.”

4. In compliance of the aforesaid order both the parties have appeared before the Judicial Magistrate Ist Class, Malerkotla and recorded their statements in support of the compromise. In pursuance of the direction issued by this Court on 08.12.2023, a report has been received from Judicial Magistrate Ist Class, Malerkotla stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** 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. 201 dated 05.09.2020 registered under Sections 324, 323, 34 and 201 of Indian Penal Code at Police Station Amargarh, District Sangrur (Annexure P-3) and all subsequent proceedings arising out of the same including the judgment and order of conviction dated 10.08.2023 (Annexure P-5) passed by learned Judicial Magistrate Ist Classs, Malerkotla are also quashed qua

petitioners. Petitioners are acquitted of the charges framed against them and their bail bonds and surety bonds stand discharged.

6. The petition is allowed.

22.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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