

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

279

CRM-M No. 62708-2023

Date of Decision: 06.02.2024

Sulakhan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.P.S. Sandhu, Advocate for
Mr. P.B.S.Goraya, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Fateh Singh Bhullar, Advocate for
Mr. Ranwant Singh, Advocate for respondents No. 2 and 3.

HARPREET SINGH BRAR, J.(ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 31 dated 31.03.2014 registered under Sections 382, 324, 323, 326, 392, 120-B, 148, 149 of Indian Penal Code, 1860 at Police Station Sarhali, District Tarn Taran and all subsequent proceedings arising therefrom including order dated 22.09.2021 (Annexure P-3) in view of the compromise.

2. The following order was passed on 14.12.2023:

“Learned counsel for the petitioners inter alia contends that the petitioners were convicted vide impugned judgment of conviction and order of sentence dated 22.09.2021 (Annexure P-3) passed by the learned Judicial Magistrate 1 st Class, Tarn Taran and during the pendency of the appeal, the parties have compromised the matter. He has further relied upon the judgment passed in ‘Ram Gopal Vs. State of Madhya Pradesh’ 2021 (4) RCR (Criminal) 322 to seek quashing of the

FIR and setting aside the impugned judgment of conviction and order of sentence dated 22.09.2021.

Notice of motion.

On asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Ranwant Singh, Advocate, puts in appearance on behalf of respondents No.2 & 3 and files power of attorney which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

In view of the compromise arrived at between the parties, let the parties appear before the Appellate Court on 18.12.2023 i.e. the date already fixed before it or any other date convenient to the trial Court for getting their statements recorded with regard to the compromise. Appellate 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 06.02.2024.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. Learned counsel for the petitioners inter alia contends that the petitioners were convicted vide impugned judgment of conviction and order

of sentence dated 22.09.2021 (Annexure P-3) passed by the learned Judicial Magistrate 1 st Class, Tarn Taran and during the pendency of the appeal, the parties have compromised the matter. He has further relied upon the judgment passed in ‘*Ram Gopal Vs. State of Madhya Pradesh*’ 2021 (4) RCR (Criminal) 322 to seek quashing of the FIR and setting aside the impugned judgment of conviction and order of sentence dated 22.09.2021.

5. 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. 31 dated 31.03.2014 registered under Sections 382, 324, 323, 326, 392, 120-B, 148, 149 of Indian Penal Code, 1860 at Police Station Sarhali, District Tarn Taran including order dated 22.09.2021 (Annexure P-3) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

06.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

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