



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
201

Date of decision: 07.03.2025

1. CRA-S-868-SB-2008 (O&M)

Sikandar Singh and others
Versus
State of Punjab
....Appellants
....Respondent

2. CRR-1902-2008 (O&M)

Shamsher Singh
Versus
State of Punjab and others
....Petitioner
....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kanwaljit Singh, Sr. Advocate
with Mr. Veer Imaan Singh Gill, Advocate
for the appellants in CRA-S-868-SB-2008
and for the petitioner in CRR-1902-2008.

Mr. Sandeep Kumar, DAG, Punjab in both the cases.

Mr. Gaurav Mohunta, *Amicus Curiae*
along with Mr. Satyendra Kumar, Advocate
for the complainant in both the cases.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRA-S-868-SB-2008 and CRR-1902-2008, as common questions of law and facts are involved for adjudication.

2. Prayer in the appeal i.e. CRA-S-868-SB-2008 is for setting-aside the judgment of conviction and order of sentence dated 09.04.2008, passed by learned Additional Sessions Judge, Moga in



Criminal Complaint filed under Sections 325, 324, 323, 148, 149 IPC, vide which the appellants therein were convicted under Sections 148, 325, 324, 323, 149 IPC and sentenced to undergo rigorous imprisonment for a period of 2½ years, along with fine and default mechanism. However, the revision petition i.e. CRR-1902-2008 has been filed for setting-aside the judgment dated 09.04.2008, passed by learned Additional Sessions Judge, Moga, whereby all the private respondents therein were acquitted of the charges framed against them in FIR No.93 dated 21.06.2003, registered under Sections 307, 324, 323, 34 IPC at Police Station Baghapurana, District Moga.

3. Learned Senior counsel for the appellants (in CRA-S-868-SB-2008), *inter alia* submits that the parties herein are members of the same family. Further, a compromise has been affected between them. The statements made by the parties have been attested by the Sarpanch and other respectables of the village, who can verify the authenticity of the same. As such, he prays for the judgment of conviction and order of sentence dated 09.04.2008 to be set aside qua the appellants. Reliance in this regard is placed on the judgment rendered by the Hon'ble Supreme Court in ***Ramgopal and another vs. State of Madhya Pradesh, 2021 (4) R.C.R. (Criminal) 322.***

4. Mr. Gaurav Mohunta, Advocate who was appointed as *Amicus Curiae* vide order dated 07.08.2023, assisted by learned State counsel, affirms the factum of compromise arrived at between the parties.



5. Further, the short affidavit dated 05.09.2024, filed on behalf of the respondent –State, also confirms that a compromise has been effected between the parties. The operative part of the same reads as follows:

“3. That in compliance of said order the verification regarding factum of compromise between the parties was conducted by ASI Daljit Singh, PS Baghapurana. During verification respectable persons produced the photocopy of writing issued by respectable of the village and copy of Statement of Nachhattar Singh. According to said writing matter has been compromised between the parties. However, they flatly refused to get recorded their statements. Copies of said documents are attached herewith as Annexure R-1/T to R-3/T. Hence, the affidavit is being submitted for kind consideration of this Hon’ble Court.”

6. It has been categorically held by the Hon’ble Supreme Court in ***Ramgopal’s case (supra)***, that there is no embargo on quashing of a criminal complaint even after a judgment of conviction has been passed. Further, the parties have not recorded their respective statements before the concerned Magistrates, however, the same is not a statutory requirement. Moreover, the report submitted by Deputy Superintendent of Police, Baghapurana, District Moga, establishes that the compromise is authentic and genuine

7. Therefore, in view of the amicable settlement arrived at between the parties as well as the ratio laid down in ***Ramgopal’s case***

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(*supra*), this Court is inclined to invoke the inherent powers under Section 482 Cr.P.C. Accordingly,

- i. The appeal i.e. CRA-S-868-SB-2008 is allowed and the judgment of conviction and order of sentence dated 09.04.2008, passed by learned Additional Sessions Judge, Moga, is set-aside qua the appellants. The appellants are acquitted of the charges framed against them and their bail/surety bonds also stand discharged.
 - ii. The revision petition i.e. CRR-1902-2008 is dismissed and the judgment dated 09.04.2008 passed by learned Additional Sessions Judge, Moga, of acquittal is upheld qua the private respondents therein.
8. The High Court Legal Services Authority is directed to remunerate the learned *Amicus Curiae* as per rules.
9. A photocopy of this order be placed on the file of other connected case.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

07.03.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No