



CRM-M-8999-2025(O&M)

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

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CRM-M-8999-2025(O&M)
Date of Decision: 29.04.2025

Surjit Singh & ors.

..... Petitioners

VERSUS

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Kripal Singh, Advocate
for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of complaint bearing No.COMI/106/2019 dated 04.12.2019 filed under Sections 323, 324, 354, 452, 148 & 149 of IPC before the Chief Judicial Magistrate, Kapurthala (Annexure P-1) and all other subsequent proceedings arising therefrom including judgment of conviction and order of sentence dated 14.02.2024 (Annexure P-2) on the basis of compromise dated 04.12.2024 (Annexure P-4) effected between the parties.

2. Learned counsel for the parties have stated that the present complaint including the orders of conviction and sentence may be quashed as the parties have amicably settled the dispute.



3. During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity of the compromise by this Court.

4. In compliance thereof, report dated 05.04.2025 from learned Additional Chief Judicial Magistrate, Kapurthala has been received through learned District and Sessions Judge, Kapurthala, with statements of the parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

5. The Hon'ble Supreme Court in ***Ramgopal and another versus State of Madhya Pradesh: 2021(4) RCR (Criminal) 322***, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully covered in consonance of judgments and the directions issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab : 2007(3) RCR (Criminal) 1052*** and ***Gian Singh Vs. State of Punjab & Another : 2012(4) RCR (Crl.) 543***.

6. The Hon'ble Supreme Court in ***A.T. Sivaperumal versus Mohammed Hyath (D) by LRs. decided on 27.03.2017***, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of ***Jagmohan Vs. Sandeep Aggarwal and another : 2021(4) RCR (Criminal) 86***.



7. Having regard to the contentions of learned counsel for the parties and the fact that both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for quashing the present complaint. The compromise has been arrived at with the intervention of the respectables and family members and the parties have decided to keep harmony between them and to live peacefully in future. Hence, it would be in the interest of justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

8. In view of above, the instant petition is allowed. Consequently, the impugned complaint bearing No.COMI/106/2019 dated 04.12.2019 filed under Sections 323, 324, 354, 452, 148 & 149 of IPC before the Chief Judicial Magistrate, Kapurthala (Annexure P-1) and all other subsequent proceedings arising therefrom including judgment of conviction and order of sentence dated 14.02.2024 (Annexure P-2) are hereby quashed, on the basis of compromise, qua the petitioners only, subject to deposit of an amount of Rs.10,000/- each as costs by the petitioners, with the Punjab and Haryana High Court Bar Lawyers Family Welfare Fund, Chandigarh, within a period of two months from today.

29.04.2025

monika

**(NAMIT KUMAR)
JUDGE***Whether speaking/reasoned* : Yes/No*Whether reportable* : Yes/No