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297 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-44430-2024 (O&M)

Date of Decision: 16.01.2025

JASWANT SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Narula, Advocate for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed seeking quashing of FIR No.114, dated 13.12.2012, under Sections 452, 326, 324, 323, 148 and 149 of the Indian Penal Code registered at Police Station Lakho Be Behram, District Ferozepur (Annexure P-1), as well as the judgement of conviction and order of sentence dated 20.02.2019, passed by the learned Sub Divisional Judicial Magistrate, Guruharsahai (Annexure P-2) on that ground that the matter has been amicably settled through a panchayati compromise dated 03.05.2024 (Annexure P-3).

2. The following order was passed on 09.09.2024:

"The present petition has been filed seeking quashing of FIR No.114, dated 13.12.2012, under Sections 452, 326, 324, 323, 148 and 149 of the IPC, registered at Police Station Lakho Be Behram, District Ferozepur (Annexure P-1), as well as the judgement of conviction and order of sentence, of even dated 20.02.2019, passed by the learned SubDivisional Judicial Magistrate, Guruharshai (Annexure P-2), whereby all the petitioners have been convicted, and sentenced for the commission of offences punishable under Sections 324, 323,



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452, 148 and 149 of the IPC, on that ground that the matter has been amicably settled through a panchayati compromise dated 03.05.2024 (Annexure P-3).

Learned counsel for the petitioners submits that a statutory appeal filed against the aforesaid judgment of conviction and order of sentence, is pending consideration before this learned appellate court concerned.

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1, and waives service.

Mr.

Munish Gulati, Advocate, has caused appearance on behalf of respondents no.2, through a validly executed power of attorney in his favour. The same is taken on record. He submitted that he has no objection in case the FIR (supra) is quashed on the basis of compromise (supra).

In view of above, the parties are directed to appear before the learned Illaqa Magistrate/trial Court concerned, to get their respective statements recorded regarding compromise, and after recording their respective statements, the learned trial Court/Illaqa Magistrate concerned, is directed to send the same alongwith its report, regarding the genuineness of compromise, on or before the next date of hearing in the present petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary, and without any coercion or undue influence and*
- 5. Total number of victims and their names.*

It is made clear that complainant/private respondent should also appear in person before the learned trial Court/Illaqa Magistrate concerned, to get his statement recorded regarding the compromise.

To come up on 29.10.2024.

The State counsel is also directed to verify the factum of compromise by the date fixed.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate for compliance.”

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3. In compliance of the aforesaid 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. 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.114, dated 13.12.2012, under Sections 452, 326, 324, 323, 148 and 149 of the IPC, registered at Police Station Lakho Be Behram, District Ferozepur (Annexure P-1), as well as the judgement of conviction and order of sentence dated 20.02.2019, passed by the learned Sub Divisional Judicial Magistrate, Guruharsahai (Annexure P-2) along with all subsequent proceedings arising therefrom are quashed, qua the petitioners.

(HARPREET SINGH BRAR)
JUDGE

16.01.2025
Ajay Goswami

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