



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

CRM-M-57681-2024

Date of decision: 17.01.2025

Prabhjot Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Deepak Gupta, Advocate
for respondents No.5 and 6.

KARAMJIT SINGH, J. (ORAL)

1. Prayer in this petition is for quashing of FIR No.271 dated 07.10.2007 (Annexure P-1) registered under Sections 452, 323, 506, 148, 149 of IPC at Police Station Sadar Faridkot, District Faridkot as well as all the subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 06.03.2012 (Annexure P-2) passed by the Court of learned Judicial Magistrate Ist Class, Faridkot whereby the petitioners were convicted and sentenced to imprisonment and upheld by the Court of Sessions Judge, Faridkot vide judgment dated 09.12.2014, on the basis of compromise.

2. The above stated FIR was registered on the statement of the complainant/respondent No.2-Balwinder Singh (since deceased) and now represented by his legal heirs. Victim Dharam Pal has also died and is represented by his legal heirs. Respondent No.4 Sarabjit Singh is injured witness.

3. On notice of motion, respondent No.2 to 4 appeared in the Court through their counsel and pleaded that they have no objection if the FIR and all the subsequent proceedings including the judgment Annexure P-2 passed by the Court of Judicial Magistrate Ist Class, Faridkot and judgment dated



09.12.2014 passed by the appellate Court are quashed on the basis of the aforesaid compromise which has been effected between the parties.

4. During the course of preliminary hearing, the trial Court/Illaqa Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

5. In compliance thereof, report from the Court of Chief Judicial Magistrate, Faridkot along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there is no undue influence or coercion from any side.

6. I have heard learned counsel for the parties.

7. On conclusion of trial, the petitioners were convicted by the trial Court vide judgment dated 06.03.2012 (Annexure P-2). The appeal filed by the petitioners was also dismissed by the Court of Sessions Judge, Faridkot vide judgment dated 09.12.2014. Revision petition filed by the petitioners against the aforesaid judgments having CRR-4267-2014 titled Karam Singh and others Vs. State of Punjab and others is pending in this Court.

8. Learned counsel for the petitioners and for respondents No.2 to 4 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

9. A Division Bench of this Court in ***Sube Singh and another v. State of Haryana and another, 2013 (4) RCR (Criminal) 102*** allowed the compromise quashing petition and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the trial Court whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

10. Recently the Hon'ble Apex Court in Criminal Appeal No.1393 of 2011 titled as ***Ramawatar v. State of Madhya Pradesh*** decided on 25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.



11. In the case in hand, the parties have effected compromise. The petitioners are accused in FIR No.271 dated 07.10.2007 whereas the opposite party is accused in private criminal complaint and CRR-272-2015 pertaining to aforesaid criminal complaint is withdrawn by the other party on the basis of aforesaid compromise, today itself. In view of the compromise, respondents No.2 to 4 do not want to take any further action against the petitioners. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So, no fruitful purpose would be served by keeping the proceedings pending on the basis of impugned FIR Annexure P-1 and CRR-4267-2014 including the proceedings before the Appellate Court.

12. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.271 dated 07.10.2007 Annexure P-1 registered under Sections 452, 323, 506, 148, 149 of IPC, at Police Station Sadar Faridkot, District Faridkot and all the subsequent proceedings arising therefrom including judgment and order dated 06.03.2012 passed by the Court of Judicial Magistrate Ist Class, Faridkot and judgment dated 09.12.2014 passed by the Court of Sessions Judge, Faridkot are hereby set aside qua the petitioners.

13. Resultantly, the revision petition preferred by the petitioners having CRR-4267-2014 against judgment and order dated 06.03.2012 passed by the Court of Judicial Magistrate Ist Class, Faridkot and judgment dated 09.12.2014 passed by the Court of Sessions Judge, Faridkot, would be rendered infructuous.

14. The present petition stands allowed in aforesaid terms.

17.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No