

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

CRM-M-31282 of 2014.
Decided on:-09.09.2015.

Angrej Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Ms. Satwant Mehta, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab
for respondent No.1.

Mr. Jasmandeep, Advocate
for respondent No.2.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.PC is for quashing of the FIR No.104 dated 1.9.2009 under Sections 326/323/452/506/148/149 IPC, registered at Police Station Valtaha, District Tarn Taran and to quash the judgment of conviction dated 11.9.2013 passed by the learned Judicial Magistrate 1st Class, Patti, whereby the petitioners, namely, Angrej Singh, Gursahib Singh and Nachhattar Singh were convicted and

sentenced as under:

Accused Angrej Singh

Offence under Section	Sentence
326 of Indian Penal Code	Simple Imprisonment for one year with fine of Rs.1,000/- (in default of 7 days simple imprisonment)
323 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year
452 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year with fine of Rs.1,000/- (in default of 7 days simple imprisonment)
506 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year

Accused Gursahib Singh

Offence under Section	Sentence
323 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year
326 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year with fine of Rs.1,000/- (in default of 7 days simple imprisonment)
452 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year with fine of Rs.1,000/- (in default of 7 days simple imprisonment)
506 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year

Accused Singh

Offence under Section	Sentence
323 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year
326 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year with fine of Rs.1,000/- (in default of 7 days simple imprisonment)
452 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year with fine of Rs.1,000/- (in default of 7 days simple imprisonment)
506 of Indian Penal Code read with section 149 of IPC	Simple Imprisonment for one year

However, all the substantive sentences were ordered to run concurrently.

Quashing of the aforesaid FIR and setting aside of the judgment dated 11.9.2013 passed by the learned trial Court is sought on the basis of compromise dated 26.3.2014 as entered between the parties during the pendency of the appeal before the learned appellate Court at Tarn Taran.

Vide order dated September 10, 2014 of this Court, the parties were directed to be present themselves before the appellate Court on 14.10.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The appellate Court was further directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements in support of compromise are not the result of any pressure or coercion in any manner. The Court was further directed to send report along with the statements of the parties with regard to genuineness, validity or otherwise of the compromise effected between the parties and also to intimate whether any criminal case is pending against either of the parties or not.

Pursuant to the aforesaid order, the learned Additional Sessions Judge, Tarn Taran had recorded the statements of the parties and forwarded the report dated 28.10.2014 that the complainant had genuinely entered into compromise with three of the accused, namely, Angrej Singh, Gursahib Singh and Nachhattar Singh. Complainant/injured Salwinder Kaur alias Surinder Kaur wife of Sahib Singh, resident of village Lakhna, Tehsil Patti,

District Tarn Taran had suffered a statement that she had compromised the matter with the petitioners-accused and with such compromise, the parties are now residing peacefully in village Lakhna, Tehsil Patti, District Tarn Taran. She had further stated that she is now on visiting terms with the petitioners-accused and has no grudge against these three petitioners on account of compromise with them. She also stated that she had no objection in case the FIR is quashed against accused Angrej Singh, Gursahib Singh and Nachhattar Singh.

On the basis of the aforesaid statement and the report submitted by the learned Additional Sessions Judge, Tarn Taran, it is established that the complainant has genuinely entered into a compromise with the petitioners. Though it is submitted in the report that the offences under Sections 326 and 452 IPC are non-compoundable.

Learned counsel appearing for the respondent-complainant has also fairly conceded that he does not dispute the factum of compromise entered into between the parties. The compromise between the parties is without any pressure and coercion. It is genuine.

This Court in the case of ***Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102*** has considered the compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power

under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice and has observed as under:

“15. *The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 Criminal Procedure Code and pass an appropriate order so as to secure the ends of justice.*

16. *As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910 : (2008)5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498A Indian Penal Code and sentenced to 18 months' imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.*

17. *The magnitude of inherent jurisdiction exercisable*

by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.

18. xxx xxx

19. xxx xxx

20. xxx xxx

21. *In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.*

22. *Consequently and for the reasons afore-stated, we allow this petition and set aside the judgement and order dated*

16.03.2009 passed in Criminal Case No. 425-1 of 2000 of Additional Chief Judicial Magistrate, Hisar, on the basis of compromise dated 08.08.2011 arrived at between them and their step-mother respondent No.2 (Smt. Reshma Devi) w/o late Rajmal qua the petitioners only. As a necessary corollary, the criminal complaint filed by respondent No.2 is dismissed qua the petitioners on the basis of above-stated compromise. Resultantly, the appeal preferred by the petitioners against the above-mentioned order dated 16.03.2009 would be rendered infructuous and shall be so declared by the first Appellate Court at Hisar.”

Similarly, in the case of ***Baghel Singh Versus State of Punjab 2014(3) RCR (Criminal) 578*** whereby the accused was convicted under Section 326 IPC and was sentenced to undergo rigorous imprisonment for two years, the parties entered into compromise during the pendency of the appeal. This Court while relying upon the judgment of ***Lal Chand Versus State of Haryana, 2009 (5) RCR (Criminal) 838*** and ***Chhota Singh Versus State of Punjab 1997(2) RCR (Criminal) 392*** allowed the compounding of offence in respect of offence under Section 326 IPC at the appellate stage with the observation that it will be a starting point in maintaining peace between the parties, such offence can be compounded.

Therefore, while relying upon the aforesaid judgments and coupled with the fact that the parties have entered to compromise and learned Additional Sessions Judge has submitted his report in support of

genuineness of the compromise, the impugned judgment of conviction and order of sentence dated 11.9.2013 passed by learned Judicial Magistrate 1st Class, Patti in criminal case No.29 dated 12.4.2010/10.5.2010 are set aside only qua the petitioners, namely, Angrej Singh, Gursahib Singh and Nachhattar Singh. Resultantly, the appeal preferred by these petitioners against the aforesaid judgment and order is rendered infructuous and shall be declared so by the first appellate Court.

The present petition is, accordingly, allowed qua the petitioners, namely, Angrej Singh, Gursahib Singh and Nachhattar Singh only.

September 09, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE