

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revn. No. 2028 of 2008 (O&M)

DATE OF DECISION: 22.01.2016

Ranbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper 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:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

Petitioner-Ranbir Singh faced trial in case FIR No. 145 dated 27.7.1999 registered under Section 406/498-A/342/323 IPC at Police Station Civil Lines, Amritsar. He was convicted by the trial Court vide its judgment dated 4.4.2007 under Section 498-A IPC and was acquitted of the charges framed under Sections 406, 323 and 342 IPC. He was sentenced to undergo RI for a period of one year with fine of ₹ 2000/- with default clause.

Aforesaid judgment of conviction and order of sentence was challenged by the petitioner by way of filing an appeal before the Additional Sessions Judge, Amritsar but the same was dismissed and the judgment of conviction and order of sentence passed by the trial Court was upheld vide

judgment dated 25.9.2009.

After loosing the battle before the two Courts below, the petitioner has filed the present revision petition to challenge the judgments of conviction and orders of sentence passed by both the Courts below by raising various grounds. Revision petition was admitted on 1.10.2008. During the pendency of the revision petition, an application was filed by the petitioner for compounding of the offence on the ground that the matter has been compromised between the parties. Notice in the application was issued and vide order dated 16.11.2015, parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to the directions issued by this Court, the parties have appeared before CJM, Amritsar and their statements were recorded. A report in this regard along with statements of the parties has also been received by this Court, which is on record. In the report, it has been mentioned that the compromise arrived at between the parties is as per their free will and without any pressure from either side. Complainant has specifically stated that she has settled the dispute with the accused-petitioner-Ranbir Singh and has no objection if the judgments of conviction and orders of sentences passed by both the Courts below are set aside and accused-petitioner is acquitted of the charges.

By exercising the powers provided under Section 482 Cr.P.C.; considering the interest of both the parties and also the nature of litigation between them, it would not be in the interest of justice to allow the proceedings to continue when a compromise has been arrived at between them. It has also been held by the Larger Bench of our own High Court in ***Kulwinder Singh and others vs State of Punjab and others, reported as 2007(3) RCR (Criminal) 1052***, that the High Court has wide power to

quash the proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent the abuse of the process of any Court or to secure the ends of justice. The observations made by the larger Bench in paras 28 and 29 are reproduced as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice.” Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

Accordingly, the present petition is allowed and FIR No. 145 dated 27.7.1999 registered under Section 406/498-A/342/323 IPC at Police Station Civil Lines, Amritsar and other proceedings arising therefrom including the judgments of conviction and orders of sentence passed by both the Courts below are quashed and the petitioner, namely, Ranbir Singh is acquitted of the charges framed against him.

January 22, 2016
pooja

(DAYA CHAUDHARY)
JUDGE