

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

**CRR No. 1209 of 2016 (O&M)  
DECIDED ON: JULY 12, 2016**

**RAMJI DASS & ORS**

**.... PETITIONERS**

**VERSUS**

**STATE OF PUNJAB**

**.... RESPONDENT**

**CORAM:HON'BLE MR. JUSTICE JASPAL SINGH**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. H.S. Gharuan, Advocate  
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

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**JASPAL SINGH.J**

**CRM No. 10013 of 2016**

Application is allowed, as prayed for.

**CRR No. 1209 of 2016 (O&M)**

Challenge in this revision petition is to the judgment/order dated February 26, 2016 passed by learned Additional Sessions Judge, Jalandhar whereby judgment of conviction and order of sentence dated December 13, 2013 passed by learned Sub Divisional Judicial Magistrate, Phillaur was upheld vide which petitioners have been sentenced to undergo RI for a period of three years for commission of offence punishable under Section

326 read with Section 149 IPC alongwith some other offences; besides to pay fine. .

2. During the pendency of instant revision petition, parties arrived at an amicable settlement and vide order dated May 10, 2016 parties were directed to appear before learned trial Court for recording their statements with regard to compromise.

3. Report of learned trial Court has been received, in which, it has been mentioned that a compromise effected between the parties is voluntary and without any coercion or undue influence. The same is genuine one.

4. Learned counsel for the parties have stated at the bar that matter involved is personal in nature, which has been amicably settled.

5. After having elaborately heard learned counsel for parties and perusal of record as well as report submitted by learned trial Court in respect of compromise, this Court is satisfied that compromise has been arrived at between the parties and after compromise, no dispute subsists between them.

6. Now, the question which arises for consideration is whether inherent powers under Section 482 Cr.P.C. can be invoked, to decide the fate of judgment of conviction and order of sentence relating to non compoundable offences, if the parties have entered into a genuine compromise by way of amicable settlement of their dispute and the answer to this question is in affirmative.

7. In **Kulwinder Singh and others v. State of Punjab and others,**

**2007 (3) RCR (Criminal) 1052** ; a Full Bench of this Court while relying

upon ratio of law laid down in **Abasaheb Yadav Honmane v. State of Maharashtra; 2008 (3) All India Criminal Law Reporter 676**; had held that FIR including the judgment of conviction and order of sentence recorded by learned trial Court, and affirmed by appellate Court, can be quashed or set aside, on the basis of compromise if the fact and circumstances, of particular case, so warrant.

8. In **Kulwinder Singh's case (supra)**, while approving the minority view in **Dharambir v. State of Haryana; 2005 (3) RCR (Criminal) 426**; a Full Bench of this Court observed as under:-

*“27. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself i.e. “to prevent abuse of the process of any Court” or “to secure the ends of justice”.*

*28. In Mrs. Shakuntala Sawheny v. Mrs. Kaushalya Sawheny and others (1980) 1 SCC 63, Hon'ble Krishan Iyer, J. aptly summoned up the essence of compromise in the following words;*

*“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”*

*The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it. In exercise of such plenary and unfettered*

*power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

*29.No embargo, be in the shape of Section 320(9) of the Criminal Procedure Code or any other such curtailment, can whittle down the power under Section 482 of the Criminal Procedure Code.*

*30.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 of the Criminal Procedure Code 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 of the Criminal Procedure Code in the event of 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.*

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

*32. The power under Section 482 of the Criminal Procedure Code is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined parameters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Criminal Procedure Code has no limits. However the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The court is vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery”*

6. Adverting to the facts of the case in hand, parties to the *lis* have buried their hatchet though at a penultimate stage i.e. at appellate stage. In case compromise is accepted and proceedings are quashed, it would certainly create harmonious relationship in between the parties and would result into removal of bitterness or ill-will existing between the parties since long. Applying the ratio of law emerging from above-referred cases to the facts and circumstances of instant case, this Court is of considered view that once a matter has been compromised by the parties, no useful purpose would be served by continuing the proceedings and to decide the matter between parties on merits. Rather, it would be nothing but an abuse

of process of law as well as wastage of time not only of the Court but the parties.

7. As an upshot of afore-said discussion, instant petition is allowed and judgments/orders rendered by Courts below are set aside and petitioners stand acquitted of the charges.

**JULY 12, 2016**  
**sham**

**(JASPAL SINGH)**  
**JUDGE**