

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

**CRA-S-475-SB of 2017
Date of Decision: 03.11.2017**

Umesh Kumar

....Appellant.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gautam Dutt, Advocate for the applicant-appellant.

Mr. Pawan Garg, AAG, Haryana.

Mr. Arpan Sabharwal, Advocate for the complainant.

SHEKHER DHAWAN, J.

Present appeal is against the impugned judgment of conviction and order of sentence dated 23.12.2016 and 04.01.2017 passed by learned Sessions Judge, Karnal convicting the appellant under Section 379-A IPC read with Section 34 IPC and sentencing him for 5 years' rigorous imprisonment with fine of Rs.25,000/-. In default of payment of fine, the appellant was ordered to further undergo rigorous imprisonment for a period of six months.

2. When the matter was taken up on 07.10.2017, learned counsel for the parties contended that the parties have amicably settled their disputes with the intervention of respectables of the village and affidavit of complainant in this regard was placed on the file. In view of the said matter, the parties were directed to appear before the trial Court/ Area Magistrate on 23.10.2017 for getting their statements recorded with regard to the compromise arrived at between them.

3. The trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and to send its report to this Court through District and Sessions Judge.

4. Learned counsel for the appellant contended that after conviction and during pendency of this appeal, the parties have entered into compromise dated 25.07.2017 (Annexure A/7), therefore, the present appeal be accepted and the judgment of conviction as well as order of sentence be set aside.

5. On the other hand, learned State counsel and counsel for the complainant affirmed the genuineness of the compromise dated 25.07.2017 (Annexure A/7).

6. In compliance of the order dated 07.10.2017 passed by this Court, report from the District and Sessions Judge, Karnal has been received to the effect that the compromise is genuine and the same has been arrived at between the parties voluntarily and out of their free will.

7. Since during pendency of this appeal filed by the appellant against the judgment of conviction and order of sentence, the parties have amicably settled their disputes and compromised the matter, the similar controversy was before Hon`ble Apex Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* and Hon`ble Apex Court ruled that where the offender and victim have settled their dispute, the High Court in exercise of its inherent powers under Section 482 Cr.P.C. is competent to quash criminal proceedings even relating to the non-compoundable offences though such a power needs to be invoked sparingly and not when the offences are heinous, serious, of mental depravity or like

murder, rape, dacoity etc.

8. In the present case, the issue involved is - whether power under Section 482 Cr.P.C. to quash criminal proceedings on the basis of compromise arrived at between the parties, can be invoked even if the accused has been held guilty and convicted by the trial Court, similar matter was before Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102,** wherein view was taken that in such cases, with a view to prevent the abuse of law or to secure the ends of justice, however, magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Cr.P.C. is wide enough to include its power to quash the proceedings in relation to not only the noncompoundable offences notwithstanding the bar under Section 320 Cr.P.C. but such a power is exercisable at any stage.

9. The same view has been recently reiterated by Hon'ble the Apex Court in case **Padmalayan and another Vs. Sarasan and another, 2014(1) RCR (Criminal) 868.**

10. On the basis of report received from learned District & Sessions Judge, Karnal, it stands established before this Court that the compromise, Annexure A/7 arrived at between the parties is genuine, willful and voluntary. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of dispute between the parties, the present appeal deserves to be accepted.

11. In view of above, the present appeal, which already stands admitted, is taken up today and is accepted. The judgment of conviction dated 23.12.2016 and order of sentence dated 04.01.2017 passed by learned Sessions Judge, Karnal in case FIR No.191 dated 04.03.2016, under Section

379-A IPC read with Section 34 IPC, registered at Police Station Sadar, Karnal and all other consequent proceedings arising thereto are hereby quashed qua the appellant, on the basis of compromise dated 25.07.2017 (Annexure A/7). Resultantly, the appellant shall stand acquitted in the present FIR.

12. The present appeal stands allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

03.11.2017.

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Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No