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

**CRM-M No.2278 of 2017(O&M)
Date of Decision: 22.02.2017**

Veena Rani and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ramnish Puri, Advocate
for the petitioners.

Ms. Rimplejeet Kaur, AAG, Punjab.

Mr. Monika Tanwar, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.62 dated 22.03.2005 under Sections 419, 420, 465, 467, 468, 470, 120-B IPC, P.S. City Moga and judgment of conviction and order of sentence dated 26.11.2014, passed by Additional Chief Judicial Magistrate, Moga on the basis of compromise.

[2]. The petitioners were tried in the aforesaid FIR. Additional Chief Judicial Magistrate, Moga ultimately convicted the petitioners under Sections 419, 420, 471, 120-B IPC and

sentenced them accordingly.

[3]. This Court vide order dated 27.01.2017 directed the parties to appear before the trial Court/Illaqa Magistrate for recording their statements on the factum of compromise. Trial Court/Illaqa Magistrate was also directed to record the statements of the parties to its satisfaction and report regarding genuineness of the compromise in question.

[4]. In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Moga and got their statements recorded on 30.01.2017. Judicial Magistrate Ist Class, Moga also recorded its satisfaction vide report dated 08.02.2017, endorsing that the parties have effected compromise voluntarily and with their free will and consent. There is no element of pressure or coercion.

[5]. This Court is of the opinion that offence is private in nature and not against the whole society. Appeal against conviction is pending. In **2013(4) RCR (Crl.) 102, Sube Singh & Another v. State of Haryana and Another**, this Court held that magnitude of inherent powers is wide enough to cover proceedings in appeal also so as to prevent abuse of law and to achieve ends of justice. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve

any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when parties have resolved their differences, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial/appeal.

[6]. In **2014(3) RCR (Crl.) 854, Deva Ram v. State of Rajasthan** and another the Hon'ble Apex Court held that since offence under Section 420 IPC is compoundable with permission of Court and the accused were sentenced for compoundable offences. Appeal and revision were dismissed and thereafter parties entered into compromise during pendency of appeal before the Hon'ble Supreme Court. Keeping in view the nature of offence, parties were allowed compounding of offences with the permission of Court and the accused was acquitted of the said charge.

[7]. Compoundable nature of offence under Section 320 IPC vis-a-vis the amendment Act No.25 of 2005 has been discussed in **2008(4) RCR (Crl.) 552, Manoj & Anr. v. State of Madhya Pradesh** by the Hon'ble Apex Court. The Hon'ble Apex

Court has observed in para No.13 as follows:-

“It requires to be noticed that Criminal Procedure Code (Amendment) Act, 2005 [Act No.25/2005] amended Section 320 of the Code and in the Table under sub-section (2) (a) the words “voluntarily causing hurt by dangerous weapons or means” in column 1 and the entries relating thereto in columns 2 and 3 has been omitted. But the said amendment by Act No.25 of 2005 has not yet been brought into force. Therefore, the offence under Section 324 is still compoundable with the permission of the Court.”

[8]. In **2009(2) RCR (Crl.) 859, Mathura Singh and others v. State of U.P.**, the compounding phenomenon was applied to offence under Section 324 IPC after conviction of the accused by the Hon'ble Apex Court in a compromise before it. **Manoj and anothers'** case (supra) was relied upon in this case.

[9]. Similarly in **2014(3) RCR (Crl.) 578, Baghel Singh v. State of Punjab**, this Court by relying upon earlier judgment of this Court allowed of compounding of offence in respect of offence under Section 326 IPC at appellate stage, where the Court came to the conclusion that it will be starting point in maintaining peace between the parties.

[10]. Other High Courts have also taken similar view in the following precedents:

2013 CriLJ 1712 (Gauhati) Prabhat Das and ors. v. State of Tripura & Ors.; 2014(11) RCR (Crl.) 13 (Kerala), Bineesh v. State of Kerala; 2014(3) RajCriC 806 (Rajasthan), Hans Raj and another v. State of Rajasthan and another.

[11]. The State on notice, however, objects to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that both the parties have settled their dispute of private nature, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

[12]. Resultantly, FIR No.62 dated 22.03.2005 under Sections 419, 420, 465, 467, 468, 470, 120-B IPC, P.S. City Moga and judgment of conviction and order of sentence dated 26.11.2014, passed by Additional Chief Judicial Magistrate, Moga and all the subsequent proceedings arising therefrom, are quashed.

February 22, 2017

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No