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**THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-42829-2014

Date of decision: 12.10.2017.

Ram Phal and others

... Petitioners.

Versus

State of Haryana and others

... Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Bijender Dhankar, Advocate
for the petitioners.

Mr. Satish Sharma, DAG, Haryana.

Mr. K.S.Dhanora, Advocate
for respondents No. 2 to 4.

SHEKHER DHAWAN, J.

Present petition under Section 482 of Code of Criminal Procedure (for short, "**the Code**") is for setting aside the judgment of conviction and order of sentence dated 5.8.2014 passed by learned Sub Divisional Judicial Magistrate, Narwana in case FIR No.106 dated 25.07.2011, under Sections 148, 149, 323, 324, 325 and 506 IPC, registered at Police Station Uchana, District Jind on the basis of compromise dated 8.12.2014 (Annexure P/3). The petitioners were convicted and sentenced as under:-

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Under Section	Sentence	In default
323/149 IPC	to undergo Rigorous Imprisonment for a period of three months and to pay a fine of Rs.200/- each	to further undergo Rigorous Imprisonment for a period of one month each.
324/149 IPC	to undergo Rigorous Imprisonment for a period of One year and to pay a fine of Rs.1,000/- each	to further undergo Rigorous Imprisonment for a period of six months each.
506/149 IPC	to undergo Rigorous Imprisonment for a period of Six months and to pay a fine of Rs.500/- each	to further undergo Rigorous Imprisonment for a period of one month each.
148/149 IPC	to undergo Rigorous Imprisonment for a period of Six months and to pay a fine of Rs.500/- each	to further undergo Rigorous Imprisonment for a period of one month.

All the sentence were ordered to run concurrently.

2. Learned counsel for the petitioners contended that after conviction, the parties have entered into compromise dated 8.12.2014 (Annexure P/3). The petitioners preferred appeal titled **Ram Phal and others Vs. State of Haryana** in the Court of Sessions Judge, Jind and the same is pending adjudication. However, with the intervention of respectable and elders of village - Alipur, the parties have settled the dispute amicably and executed compromise deed dated 8.12.2014 (Annexure P/3). So, the present petition be accepted and judgment of conviction and order of sentence be set-aside.

3. Learned State counsel contended that the present petition is not maintainable as the appeal filed by the petitioners before the first Appellate Court is pending . However, learned counsel representing respondents respondents no. 2 to 4 affirmed the genuineness of the compromise, Annexure P/3.

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4. On filing of the petition, vide order dated 29.08.2017, directions were issued to the Court below to record statements of the parties so as to affirm the genuineness of the compromise and in compliance thereof, report from the Sub Divisional Judicial Magistrate, Narwana has been received through District and Sessions Judge, Jind 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.

5. Since the present petition is for quashing of criminal proceedings after recording of judgment of conviction and order of sentence, 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 of the Code is competent to quash criminal proceedings even relating to the non-compoundable offences though such a power need to be invoked sparingly and not when the offences are heinous, serious, of mental depravity or like murder, rape, dacoity etc.

6. In the present case, the issue involved is - whether power under Section 482 of the code 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 by Hon`ble Apex Court that in such cases, with a view to prevent the abuse of law or to secure the ends

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of justice, however, magnitude of inherent jurisdiction exercisable by the High Court under Section 482 of the Code 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 of the Code but such a power is exercisable at any stage.

7. 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.**

8. On the basis of report received from learned District & Sessions Judge, Jind, it stands established before this Court that the compromise, Annexure P/3 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 petition deserves to be accepted.

9. In view of above, the present petition is accepted and the judgment of conviction and order of sentence dated 5.8.2014 passed by learned Sub Divisional Judicial Magistrate, Narwana in case FIR No.106 dated 25.07.2011, under Sections 148, 149, 323, 324, 325 and 506 IPC, registered at Police Station Uchana, District Jind and all other consequent proceedings arising thereto are hereby quashed qua the petitioners, on the basis of compromise dated 8.12.2014 (Annexure P/3). Resultantly, the petitioners shall stand acquitted in the present FIR.

10. However, the appeal preferred by the petitioners against the above mentioned judgment of conviction and order of sentence would be rendered infructuous and shall be so declared by the first Appellate Court

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at Jind. Copy of this order be sent to learned District and Sessions Judge, Jind for information and necessary compliance.

11. The present petition stands allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

12.10.2017
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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	Yes