

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

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**CRM-M No.6380 of 2017
Date of decision: 03.05.2017**

Pala Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parvez Chugh, Advocate
for the petitioners.

Mr. Shilesh Gupta, Additional AG, Punjab.

Mr. Rahul Rampal, Advocate, for
Mr. Atul Goyal, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Prayer in this petition is for quashing of FIR No.212 dated 24.11.2011 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Guruharsahai, District Ferozepur and judgment of conviction and order of sentence dated 21.07.2016 passed by Sub-Divisional Judicial Magistrate and all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. The petitioners were convicted and sentenced to undergo simple imprisonment for two years each for the offence under Section 120-B, 420, 465, 467, 468, 471 IPC

and to pay a fine of Rs.1000/- along with default clause for the offence under Section 467 IPC.

[3]. The appeal against the conviction is pending before Additional Sessions Judge, Ferozepur. During the pendency of the appeal, the parties have resolved their differences by way of entering into an amicable resolution of the dispute and now the quashing of the above said proceedings are being sought by way of filing present petition.

[4]. Vide order dated 27.02.2017, both the parties were directed to appear before the Appellate Court on 07.03.2017 for recording their statements in context of genuineness of the compromise in question.

[5]. In pursuance of the aforesaid orders, both the parties have already appeared before the Additional Sessions Judge, Ferozepur on 07.03.2017 and have deposed in the context of compromise. The Additional Sessions Judge, Ferozepur has submitted its report dated 08.03.2017 to the effect that the petitioners Pala Singh, Baggu Singh, Jaspal Singh, Jasvir Singh, Jaswant Singh, Harmesh Singh, Amarjit Kaur and Kewal Singh have appeared and made their statements to the effect that the compromise is genuine and has been executed volunarily with the intervention of the respectable Panchayat. The complainant Amrik Singh and Surjit Kaur have also stated that the differences have been

sorted out with the intervention of the respectables and in pursuance of the compromise in question, sale deed has been executed in favour of the complainant-Surjit Kaur.

[6]. 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(2) 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.

[7]. 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.

[8]. 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.”

[9]. 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.

[10]. 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.

[11]. 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.

[12]. 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.

[13]. Resultantly, FIR No.212 dated 24.11.2011 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Guruharsahai, District Ferozepur and judgment of conviction and order of sentence dated 21.07.2016 passed by Sub-Divisional Judicial Magistrate on the basis of compromise and all the subsequent proceedings arising therefrom, are quashed.

Disposed of.

03.05.2017
Dinesh Bansal

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No