

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

Crl. Appeal No. S 4357 SB of 2013 (O&M)

Date of decision: 23.5.2018

Vishal @ Monu and another

...Appellants

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Brijender Kaushik, Advocate,
for the appellants.

Ms. Gagandeep Kaur, AAG, Haryana.

Mr. B.S. Saroha, Advocate,
for the complainant.

JAISHREE THAKUR, J.

Crl. Misc. No. 41491 of 2017.

Crl. Misc. No. 41492 of 2017.

1. The appellant has filed the two aforesaid applications seeking permission to compromise matter and to place the compromise deed on the record as well as seeking acquittal in the case on the basis of the compromise placed on the record.

2. Mr. B.S. Saroha, Advocate, who has filed his power of attorney and has raised no objection in case the applications are allowed and the compromise is given an effect to.

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had been convicted by the Additional Sessions Judge, Ambala, in FIR No. 66 dated 17.4.2013 under Sections 452, 354 and 323 IPC and sentenced as under:-

Section	Sentence of imprisonment	Sentence of fine	In default
354 IPC	RI for two years	₹ 1,000/-	One month
323 IPC	RI for one year	--	--
452 IPC	RI for two years year	₹ 1,000/-	One month

4. Feeling aggrieved against the judgment, the appellants have approached this court through the instant appeal.
5. Learned counsel for the appellants at the outset states that during the pendency of the instant appeal, the parties have compromised the matter and have got their statements recorded before the Chief Judicial Magistrate, Ambala, and therefore the appeal should be allowed and the appellants herein be acquitted.
6. In brief, the facts are that on 17.4.2013, Som Nath—complainant submitted a complaint alleging therein that he, along with his grand daughter, aged about 16 years, who is studying in 10th class was present in his house. At that time Sonu and Monu son of Mam Chand, after opening the gate entered his house and started teasing and doing obscene acts with the prosecutrix. When he protested, they gave beatings to him, his wife Bachni Devi and daughter-in-law Paramjit Kaur with *dandas*. They also smashed the windscreen of their car standing in the house and caused damaged to the gate. After hearing the noise, Swaran Singh son of Om Parkash reached the spot, who rescued them from their clutches. In the

meantime, Sukhwinder son of Chaudhary also entered the house and exhorted the said accused to teach the complainant a lesson for objecting them. Several other people also gathered there and on seeing them all the aforesaid three assailants left the spot, while extending threat to kill them in future. Prosecution in order to prove its case examined the victim as PW1, Som Nath, complainant as PW2, ASI Gaje Singh as PW3, ASI Sharwan Kumar as PW4, Paramjit Kaur, mother of the victim as PW5, HC Ram Saran as PW6, Swaran Singh, co-villager as PW7 and Dr. Jaswinder Kaur as PW8. In defence, accused did not adduce any evidence. On the basis of the evidence on record, learned trial court held the appellants guilty of offence and convicted as aforesaid.

7. During the pendency of the criminal appeal, applications numbered as Criminal Miscellaneous No. 41491 of 2017 and Criminal Miscellaneous Application No. 41492 of 2017 have been filed, stating that the matter has been compromised between the parties. Settlement deed dated 13.12.2017 has been placed on the record in which the terms of the settlement state that the parties have decided to compromise the matter with the intervention of the elders with regard to putting an end to discord. The statement of the parties have also been recorded before the CJM, Ambala, stating that the matter has been compromised. Based on the settlement arrived at between the parties, a request is made for setting aside the conviction and judgement passed a by Additional Sessions Judge, Ambala, in FIR No. 66 dated 17.4.2013 under Sections 452, 354 and 323 IPC .

8. Ms. Gagandeep Kaur, AAG, Haryana, Learned State counsel submits that in case the parties have indeed settled their dispute, the State

would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

9. I have heard learned counsel for the parties and have gone through the record. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society.

10. In **Sube Singh Versus State Of Haryana 2013 (4) RCR (Criminal) 102**, a Division bench of this court was seized of a question whether inherent power under Section 482 Criminal Procedure Code could be exercised to quash criminal proceedings on the basis of a compromise entered into between the parties, even if the accused had been held guilty and convicted by the trial court. It was held in para 17 *that “the magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code is with a view to prevent the abuse of law or to secure the ends of Justice, however, 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 criminal procedure code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking such power is fully justified on facts and circumstances of the case.”* After ascertaining the genuineness of the compromise between the parties and the settlement agreed upon, the appeal preferred was allowed and the conviction set-aside.

11. Similar is the case in hand. Non-acceptance of the compromise by this court would jeopardize the harmony between the parties. To secure the ends of justice and in the interest of all concerned, this is a fit case to

invoke inherit jurisdiction under section 482 Code of Criminal Procedure and quash the F.I.R. registered against the appellants. Therefore, the appeal and all applications filed there under are allowed and judgment of Additional Sessions Judge, Ambala, in FIR No. 66 dated 17.4.2013 under Sections 452, 354 and 323 IPC is hereby set aside.

12. The appeal stands allowed.

23.5.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No