

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

CRM-M-15408-2018

Date of decision: 20.08.2018

Kharati Lal @ Kittu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Puri, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 82 dated 20.09.2014, registered under Sections 354-B, 509, 352, 354, 323, 427 of the Indian Penal Code at Police Station Division No.1 Pathankot, District Pathankot (Annexure P-1) as well as setting aside of the conviction order dated 26.10.2017 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Pathankot whereby the petitioner has been convicted and sentenced under Sections 354, 354-B, 323 & 509 IPC and all other consequential proceedings arising therefrom in view of the compromise entered into

between the parties.

2. A few brief facts need to be noticed. Complainant Sweety Gupta got registered the FIR against the petitioner herein. The matter was investigated and challan was put up. After conclusion of the trial, petitioner was convicted and sentenced by the Judicial Magistrate Ist Class, Pathankot as under :-

<i>Name</i>	<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default S.I.</i>
Kharati Lal	354 IPC	R.I. 1 year	₹ 1000/-	15 days
	354-B IPC	R.I. 3 years	₹ 500/-	10 days
	323 IPC	RI 1 year	NIL	--
	509 IPC	S.I. 1 year	₹ 500/-	10 days

Against which an appeal was filed.

During the pendency of the criminal appeal, the matter has been compromised between the parties who have agreed to settle their dispute being neighbours. Settlement deed dated 09.04.2018 (Annexure P-3) has been placed on the record. Based on the settlement arrived at between the parties, a request is made for setting aside FIR No. 82 dated 20.09.2014, registered under Sections 354-B, 509, 352, 354, 323, 427 of the Indian Penal Code at Police Station Division No.1 Pathankot, District Pathankot (Annexure P-1) as well as setting aside of the conviction and sentence order dated 26.10.2017 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Pathankot.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial Court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Addl. Sessions Judge,

Pathankot stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one.

Ms. Seena Mand, 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 and the subsequent proceedings arising therefrom, in view of the law laid down by the Hon'ble Supreme Court.

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.

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 Division Bench allowed the appeal preferred and set aside the conviction.

Similar is the case in hand. The parties have compromised the matter after the trial court had convicted the petitioner herein and sentenced him to imprisonment for 3 years. Non-acceptance of the compromise by this court would jeopardize the peace and harmony between the parties and the neighbourhood. To secure the ends of justice and in the interest of all concerned, this is a fit case to invoke inherent jurisdiction under Section 482 Cr.P.C and quash the FIR registered against the petitioner. Therefore, the instant petition is allowed and FIR No. 82 dated 20.09.2014, registered under Sections 354-B, 509, 352, 354, 323, 427 of the Indian Penal Code at Police Station Division No.1 Pathankot, District Pathankot (Annexure P-1), and all subsequent proceedings arising out of the same are quashed. The judgment of conviction and order of sentence dated 26.10.2017 (Annexure P-2) passed by the Court of Judicial Magistrate Ist Class, Pathankot whereby the petitioner has been convicted under Sections 354, 354-B, 323 & 509 IPC are set aside on the basis of the compromise.

The petition stands disposed of.

20.08.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.