

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

Crl. Misc. M 21526 of 2018 (O&M)

Date of decision: 24.9.2018

Dinesh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.P. Chahar, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Ms. Savita Chahar, 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 for quashing of FIR No. 107 dated 7.5.2013 (Annexure P/1), all subsequent proceedings arising therefrom and the impugned judgment of conviction and order of sentence dated 18.11.2016 passed by the Judicial Magistrate Ist Class, Jhajjar, vide which the petitioners have been convicted and sentenced for the offence under Sections 354, 354-A, 354-B read with Section 511/34 IPC for a period of 3 years, on the basis of the compromise.

2. The facts in brief are that the aforesaid FIR was registered on the statement of complainant—Kanchan Devi/respondent No.2, wherein she alleged that on 5.5.2013 at about 4.50 to 5 a.m. she went in the fields,

adjacent to the road towards Ladain, to answer the nature's call and when she was coming back then two young boys came near her and one of them caught her hair from the back side suddenly and the second one started to bite on her face and hand. He touched her breast with hand and tried to break the string of her lower. On this she cried for help and her father-in-law Sada Ram came there and both the accused persons ran towards the village, while threatening to kill the complainant. On her statement, the aforesaid FIR was got lodged.

3. After completion of investigation, challan under Sections 354, 354-A, 354-B, 506 read with Section 34 IPC was presented, charges were framed and the petitioners were put on trial. The trial court vide judgment dated 18.11.2016 held the petitioners guilty and convicted them for the offences they were charged with and sentenced them to undergo rigorous imprisonment substantially for a period of three years under Sections 354, 354-A, 354-B read with Section 511/34 IPC. The aforesaid judgment has been challenged in the appeal, which is stated to be pending.

4. During the pendency of the criminal appeal, the present petition has been filed stating that the matter has been compromised between the parties. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from the Judicial Magistrate Ist Class, Jhajjar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Learned counsel for the respondent—State 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.

6. 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.

7. 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.

8. Similar is the case in hand. The parties have compromised the

matter after conviction. 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 petitioners.

9. Therefore, this petition is allowed and FIR No. 107 dated 7.5.2013 and all subsequent proceedings arising out of the same are quashed. The impugned judgment of conviction and order of sentence dated 18.11.2016 passed by the Judicial Magistrate Ist Class, Jhajjar, vide which the petitioners have been convicted and sentenced for the offence under Sections 354, 354-A, 354-B read with Section 511/34 IPC for a period of 3 years are set aside on the basis of the compromise.

24.9.2018

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No