

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

Decided on: 11.12.2018

1. CRM-M No.3504 of 2018

Sukhdev and others

....Petitioners

Versus

State of Haryana and others

....Respondents

2. CRM-M No.3508 of 2018

Jagdish Chand

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Chirag Wadhwa, Advocate
for the petitioners (in CRM-M-3504-2018)
and for respondents No.2 to 5 (in CRM-M-3508-2018)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G.S. Dhillon, Advocate
for respondent No.2 (in CRM-M-3504-2018)
and for the petitioner (in CRM-M-3508-2018)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in both these petitions is for quashing of FIR No.48 dated 13.03.2011 registered under Sections 323, 324, 325, 326 read with Section 34 of the Indian Penal Code (in short 'IPC') at Police Station Kunjpura, District Karnal, in which by way of a version and cross-version, the complainants as well as the accused persons were later on, convicted by the trial Court vide judgment dated 02.02.2016

and vide order of sentence dated 06.02.2016, Krishan Lal, Sukhdev, Om Parkash and Asha Rani were sentenced to undergo simple imprisonment for a period of 03 years and to pay a fine of Rs.1500/- each whereas Jagdish was sentenced to undergo simple imprisonment for a period of 2½ years and to pay a fine of Rs.1500/-, on the basis of the compromise effected between the parties during the pendency of the first appeal pending before the Court of Additional Sessions Judge, Karnal.

Vide order dated 30.01.2018, the Appellate Court was directed to record the statement of all the accused, complainant/injured as well as the victims and similar order was passed on 30.10.2018 in the cross-version.

In pursuance thereof, the Appellate Court/Additional Sessions Judge, has submitted a report dated 14.11.2018 and as per the report, the Appellate Court has recorded the statement of the complainant/injured Gurmeet Singh and Jagdish Chand on one side and Krishan, Sukhdev, Om Parkash and Asha Rani (accused) on the other side (in CRM-M No.3504 of 2018). Similarly, the statement of accused Jagdish Chand on one side and complainant/injured namely Sukhdev, Krishan, Om Parkash and Asha Rani on the other side (in CRM-M No.3508 of 2018) have been recorded.

The Appellate Court has submitted a report that compromise has been effected between all the accused, complainant and injured and no other case is pending against each of the party and none of them is involved in any other case and they have never been

declared as proclaimed offender.

A perusal of the compromise (Ex.PX) show that both the parties are residents of the same village and after their conviction by the trial Court, they have entered into a valid and legal compromise with the intervention of the respectables of the locality and relatives/friends in order to maintain peace and harmony in the village/society. It is further stated in the compromise that both the parties have undertaken in the presence of the relatives and friends of the locality that in future they will maintain peace and harmony and will not initiate any litigation against each other.

Counsel for the petitioner(s) submits that no other criminal case is pending between the parties and none of the petitioner has been declared as proclaimed offender.

This fact is not disputed by counsel for the State.

I have heard counsel for the parties, perused the paperbook and the report submitted by the trial Court.

In ***“Sube Singh and another vs State of Haryana and another”***, 2013 (4) R.C.R. (Criminal) 102, it has been held as under:-

“In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Nonacceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery

system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of the above, both these petitions are allowed and while upholding the judgment of conviction dated 02.02.2016, order of sentence dated 06.02.2016 is modified to the extent that the sentence awarded to the petitioners/accused by the trial Court is reduced to the sentence already undergone by them.

With the aforesaid modifications, both these petitions are disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

11.12.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No