

219

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

CRR No.1425 of 2017 (O&M)

Date of Decision: 09.01.2018

PARMOD AND OTHERS

.....Petitioners

Vs

STATE OF HARYANA

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Ms. Neelam Kashyap, D.A.G., Haryana.

Mr. R.K. Girdhwal, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

[1]. This crl. revision petition has been preferred against the order dated 11.04.2017 passed by the Addl. Sessions Judge, Jhajjar whereby judgment of conviction dated 11.08.2016 and order of sentence dated 16.08.2016 passed by the Judicial Magistrate Ist Class, Jhajjar were upheld in appeal.

[2]. Learned counsel for the petitioners submitted that during pendency of the present petition the parties have compromised the issue and now the petitioners have sought for disposal of the present petition on the basis of compromise.

[3]. Petitioners have been convicted and sentenced to undergo rigorous imprisonment for a period of 1 year under Section 323 read with Section 34 IPC along with fine of Rs.500/- and to undergo rigorous imprisonment for a period of 3 years under Section 324 read with Section 34 IPC along with fine of Rs.500/- with default mechanism. Both the sentences were ordered to run concurrently.

[4]. A compromise was statedly effected on 25.05.2017 (Annexure A-1) and an application was filed for compounding the offences under Sections 323/324 read with Section 34 IPC with the permission of the Court.

[5]. Vide order dated 05.07.2017 passed by the Co-ordinate Bench of this Court, a copy of the compromise was ordered to be sent to the Illaqa Magistrate, Jhajjar for recording statements of both the parties and to verify genuineness of the compromise in question. Report of the Illaqa Magistrate, Jhajjar was awaited. Interim bail granted to the petitioners was ordered to be continued.

[6]. In pursuance of the aforesaid order, report from the Judicial Magistrate, Ist Class, Jhajjar has been received wherein it has been endorsed that statements of the accused/petitioners were separately recorded on 21.09.2017 with regard to the genuineness, veracity and voluntary nature of the compromise

and it was found that the compromise was effected without there being any monetary consideration and the compromise was genuine. Statements of the complainant Sameen was also recorded, who has also testified that the compromise has been entered by her with the accused/convicts without any inducement and threat. The compromise was effected out of her own free will.

[7]. Learned counsel appearing on behalf of the complainant also admitted the factum of compromise being genuine and voluntary in nature.

[8]. Identities of the parties were established before the Judicial Magistrate, Ist Class, Jhajjar and thereafter the aforesaid report has been forwarded to this Court. In **Sube Singh & Another vs. State of Haryana and Another, 2013(4) RCR (Crl.) 102 (DB)**, it was held that the magnitude of inherent powers of the High Court is wide enough to cover the proceedings in appeal also in order to prevent abuse of law and to achieve ends of justice. In **Gian Singh vs. State of Punjab and another 2012(4) RCR (Crl.) 543**, even in case of revision petition, inherent powers of the High Court under Section 482 Cr.P.C can be resorted to in order to quash the proceedings on the basis of compromise.

[9]. In **Dr. Arvind Barsaul etc. vs. State of Madhya**

Pradesh and another, (2009) CriLJ 331, the Hon'ble Apex Court held that the proceedings even after conviction of the accused can be quashed on the basis of compromise. If the Court finds that continuation of criminal proceedings would result in abuse of process of law, then inherent jurisdiction of the Court can be resorted to in setting the controversy right.

[10]. In **Deva Ram vs. State of Rajasthan, 2014(3) RCR (Crl.) 854**, 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.

[11]. Compoundable nature of offence under Section 320 IPC vis-a-vis the amendment Act No.25 of 2005 has been discussed in **Manoj & Anr. vs. State of Madhya Pradesh, 2008 (4) RCR (Crl.) 552**, 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.”

[12]. In **Mathura Singh and others vs. State of U.P. 2009 (2) RCR (Crl.) 859**, 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.

[13]. Similarly in **Baghel Singh vs. State of Punjab, 2014 (3) RCR (Crl.) 578**, 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.

[14]. Other High Courts have also taken similar view in the following precedents:

Prabhat Das and ors. vs. State of Tripura & Ors.,

2013 CriLJ 1712 (Gauhati); Bineesh vs. State of Kerala, 2014(11) RCR (Crl.) 13 (Kerala); Hans Raj and another vs. State of Rajasthan and another, 2014(3) RajCriC 806 (Rajasthan).

[15]. The petitioner were convicted and sentenced in the manner as stated in the preceding part of this judgment. Their sentences were suspended vide order dated 05.07.2017 passed by this Court and they are now on bail.

[16]. In view of above, I am of the view that since the parties have entered into the compromise, therefore, the ends of justice would be met if the petitioners are sentenced to undergo the period they have already undergone. Ordered accordingly.

[17]. Petition stands disposed of.

January 09, 2018

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No