

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

CRA-S-2299-SB of 2006 (O&M)

Date of Decision: 26.02.2019.

Kanwalpreet Singh alias Rinku and others

...Appellants.

Versus

State of Punjab and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Karanjit Singh, Advocate for the appellants.

Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab.

Mr. Umesh Sharma, Advocate for respondents No.2 to 4.

SHEKHER DHAWAN, J.

Present appeal is against the impugned judgment of conviction and order of sentence dated 08.11.2006 passed by learned Additional Sessions Judge, Amritsar, whereby appellant Kanwalpreet Singh alias Rinku was held guilty under Sections 326 and 323/34 IPC, appellant -Jagdip Singh alias Mintu was held guilty under Sections 326/34 and 323 IPC and accused-Harjinder Singh (since deceased) was held guilty under Section 324 IPC. The appellants-accused were sentenced as under:-

Name of convict	Under Section	Sentence awarded	Fine imposed	In default of payment of fine
Kanwalpreet Singh alias Rinku	326 IPC	Five years	Rs.1,000/-	R.I. for two months
	323/34 IPC	Six months		
Jagdip Singh alias Mintu	326/34 IPC	Five years	Rs.1,000/-	R.I. for two months
	323 IPC	Six months		
Harjinder Singh	324 IPC	Two years	Rs.5,00/-	R.I. for one month

2. During the pendency of the appeal, application (CRM-17177-2018) under Sections 320(5) read with section 482 Cr.P.C. was moved on behalf of the appellants seeking permission to compound the offences under Sections 326, 323, 324, 34 IPC, thereby setting aside the judgment of conviction dated 08.11.2006.

3. In compliance with order dated 09.10.2018, injured persons namely, Jaswinder Singh, Sukhwinder Singh and Kulwant Singh, respondent No.2 to 4 herein, have appeared and made the following statement:-

“With the intervention of the family members and respectable, we have settled the matter with Kanwalpreet Singh alias Rinku, Jagdeep Singh, Harjinder Singh (since deceased), who are appellants in this case. We have different litigation, in which Kanwalpreet Singh and others are parties. We have no objection if the present appeal filed by Kanwalpreet Singh alias Rinku and others, is accepted and appellants in this case are acquitted.”

4. Similarly, the appellants, namely, Kanwalpreet Singh alias Rinku and Jagdip Singh alias Mintu also made the following statement:-

“With the intervention of family members and respectable, we have amicably settled the matter with the respondents. We have different litigation, in which Jaswinder Singh and others are parties. Therefore, the present appeal may be accepted and we may be acquitted in this case as the matter stands settled.”

5. Learned counsel for the appellants contended that after conviction and during pendency of this appeal, the parties have entered into compromise dated 21.04.2018 (Annexure A/2), therefore, the present appeal

be accepted and the judgment of conviction as well as order of sentence be set aside.

6. On the other hand, learned State counsel and learned counsel for respondents No.2 to 4 affirmed the genuineness of the compromise dated 21.04.2018 (Annexure A/2).

7. Since during pendency of this appeal filed by the appellants against the judgment of conviction and order of sentence, the parties have amicably settled their disputes and compromised the matter, the similar controversy was before Hon'ble Apex Court in **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543** and Hon'ble Apex Court ruled that where the offender and victim have settled their dispute, the High Court in exercise of its inherent powers under Section 482 Cr.P.C. is competent to quash criminal proceedings even relating to the non-compoundable offences though such a power needs to be invoked sparingly and not when the offences are heinous, serious, of mental depravity or like murder, rape, dacoity etc.

8. In the present case, the issue involved is - whether power under Section 482 Cr.P.C. to quash criminal proceedings on the basis of compromise arrived at between the parties, can be invoked even if the accused has been held guilty and convicted by the trial Court, similar matter was before Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102**, wherein view was taken that in such cases, with a view to prevent the abuse of law or to secure the ends of justice, however, magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Cr.P.C. 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 Cr.P.C. but such a power is exercisable at any stage.

9. The same view has been recently reiterated by Hon'ble the Apex Court in case ***Padmalayan and another Vs. Sarasan and another, 2014(1) RCR (Criminal) 868.***

10. On the basis of the statements of the appellants as well as respondents No.2 to 4, it stands established before this Court that the compromise, Annexure A/2 arrived at between the parties is genuine, willful and voluntary. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of dispute between the parties, the present appeal deserves to be accepted.

11. In view of above, the present appeal is accepted. The judgment of conviction and order of sentence dated 08.11.2006 passed by learned Additional Sessions Judge, Amritsar in case FIR No.67 dated 21.06.2002, under Sections 307, 326, 323, 148, 149, IPC, registered at Police Station Goindwal Sahib and all other consequent proceedings arising thereto are hereby quashed qua the appellants, on the basis of compromise dated 21.04.2018 (Annexure A/2). Resultantly, the appellants shall stand acquitted in the present FIR.

12. The present appeal stands allowed in the above terms.

(SHEKHER DHAWAN)
JUDGE

26.02.2019.

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Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No