

225

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

Date of decision: 23.11.2021

[1] CRM-M-37501-2021

Pritam Singh and others

Petitioners

Versus

Jaspal Singh

Respondent

[2] CRM-M-31205-2021

Jaspal Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Atul Goyal, Advocate for the petitioner
in CRM-M-37501-2021
and for the respondent No. 2/complainant
in CRM-M-31205-2021.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

Mr. N.S. Dadwal, Advocate for the petitioners
in CRM-M-31205-2021
and for the respondent in CRM-M-37501-2021.

AVNEESH JHINGAN, J (Oral):

[1] These two petitions have been filed for quashing of
complaint No. COMI/00077/2014, dated 18th March, 2008 under
Sections 325, 323, 506, 341, 148, 149 and 34 IPC and FIR No. 140,

dated 7th October, 2006, under Sections 324, 323, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Raikot, District Ludhiana as well as judgment of conviction dated 14th February, 2017, on the basis of compromise dated 22nd April, 2019.

[2] Version and cross-version were registered of the incident which took on 6th October, 2006. As per allegations in the FIR, the bone of contention was common passage in agricultural land. Injuries were inflicted by both the parties to each other. The parties were convicted by the trial Court.

[3] Aggrieved of the conviction, appeals were filed by the petitioners which are pending. With the intervention of respectables of the society, a compromise was effected between the parties on 22nd April, 2019. Hence the present petition was filed.

[4] Vide orders dated 5th August, 2021 and 10th September, 2021, the parties were directed to appear before the appellate Court for recording their statements with regard to compromise. Reports dated 24th September, 2021 and 14th October, 2021 were received from the Additional Sessions Judge, Ludhiana. It is stated therein that compromise is genuine and voluntary. They are not involved in any other case.

[5] Supreme Court in **Ramgopal V. State of Madhya Pradesh** in its judgement dated 29.09.2021 in Criminal Appeal No. 1489 of 2012 held:-

“13. It appears to us that criminal proceedings involving nonheinous offences or where the offences are pre-dominantly of a private nature, can be

*annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C., 1973 would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C., 1973 may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. v. State of Punjab & Ors., (2014) 6 SCC 466** and *Laxmi Narayan (Supra)*.*

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C., 1973 where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C., 1973 or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C., 1973 Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

[6] With the intervention of respectables, parties have

compromised the matter. The allegations are related to the year 2006, there is nothing on record any untoward incident before or after the compromise. The quashing of proceedings will help to advance peace and harmony and the step put forth by the parties to forgive and forget any ill-will.

[7] Considering the law laid down by the Supreme Court and the facts and circumstances of the present case, as a result of amicable settlement and compromise effected between the parties, the above mentioned FIR, complaint, order of conviction and sentence are quashed.

[8] The appeals pending before the Appellate Court stand infructuous.

[9] The petitions are allowed.

[10] Photocopy of this order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

23rd November, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes