

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

CRM-M-38144-2021

Date of Decision: 5th October, 2021

Harbir Singh Rana

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Mayank Gupta, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana
for the respondent-State.

Mr. Prince Goyal, Advocate for the respondent No.2.

AVNEESH JHINGAN, J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This is petition under Section 482 of the Code of Criminal Procedure for quashing of criminal complaint No. 23 dated 26.09.2016 under Section 420 of IPC as well as the judgment of conviction and order of sentence dated 20.07.2019 passed by the learned Sub Divisional Magistrate, Assandh (Karnal).
3. The brief facts are that a complaint was made by Asha Rani against Harbir Singh Rana-petitioner, retired Clerk in Municipal Committee, Assandh. As per the allegations petitioner fraudulently grabbed the pension amount of the complainant by imposing/affixing thumb impression fraudulently. The petitioner was convicted under Section 420 IPC on 20th July, 2019 by Sub Divisional Magistrate, Assandh

Vide order dated even date he was sentenced to undergo simple imprisonment for one year and to pay a fine of Rs. 500/- and in case of default to further undergo simple imprisonment for three months.

4. Aggrieved of the conviction in petition, appeal was preferred which is pending. During the pendency of the appeal the issue was compromised between the parties vide compromise dated 9th March, 2021. Hence the present petition was filed

5. Vide order dated 14th September, 2021 parties were directed to get their statements recorded before the Appellate Court.

6. Report dated 28th September, 2021 received from Additional Sessions Judge, Karnal states as under:

“ After recording their statements, this Court is of the view that due to the intervention of respectable persons of the society, a compromise had taken place between the parties. From the statement of the parties recorded on oath, it appears to the undersigned that compromise is genuine and without any coercion or undue influence, and the matter has voluntarily been compromised between the above mentioned parties.

However, as per the report submitted by the Investigating Officer no person is involved in the occurrence of in any case.”

7. 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 non-heinous 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."

8. The dispute in present case can be categorized as a personal or private in nature between the parties. With the intervention of respectables and the members of the Panchayat parties have compromised the matter

in order to maintain cordial relationship. The allegations are related to 2014, there is nothing on the record regarding any untoward incident before or after the compromise. The quashing of the proceedings will help to advance peace and harmony and the step put forth by the parties to forget and forgive any ill will.

9. Considering the law laid down by the Supreme Court and the peculiar facts and circumstances of the case, as a result of the amicable settlement between the parties the above mentioned complaint, conviction order and order of sentence are quashed.

10. The appeal pending before the Appellate Court has been rendered infructuous.

11. The petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

5th October, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No