

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37400-2020 (O&M)

Date of Decision: April 16, 2021

Krishan and others

.... *Petitioners*

Versus

State of Haryana and another

... *Respondents*

CORAM: HON'BLE MR.JUSTICE VIVEK PURI.

Present: Mr. Karan Kaushal, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, Asstt. Advocate General, Haryana

Mr. Anmol Jindal, Advocate,
for respondent no.2/complainant.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic.)*

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Vivek Puri, J. (Oral)

Petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 264 dated 01.04.2013, registered under Sections 148, 149, 323, 324, 326 and 506 IPC at Police Station Sadar, Karnal, as well as, for setting aside the judgment of conviction dated 15.03.2019 and order of sentence dated 16.03.2019 passed by the learned trial Court, vide which the petitioners have been convicted and

sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 2000/- each, on the basis of compromise effected between the parties.

Precisely, the case was registered on the allegation that on 31.03.2013, the petitioners have inflicted injuries on the persons of Gopi Chand-complainant and his sister-in-law Rani. The petitioners were convicted for having committed offence punishable under Sections 148, 323, 326 and 506 read with Section 149 of Indian Penal Code vide judgment of conviction dated 15.03.2019 and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 2000/- each vide order dated 16.03.2019 passed by learned Judicial Magistrate 1st Class, Karnal.

Notice of motion was issued on 12.11.2020 and following order was passed:-

“Prayer in this petition is for quashing of FIR No. 264 dated 01.04.2013, registered under Sections 148, 149, 323, 324, 326 and 506 of the IPC at Police Station Karnal Sadar, District Karnal as well as for setting aside the judgment of conviction and order of sentence dated 15.03.2019/16.03.2019 passed by the trial Court, vide which the petitioners have been convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 2,000/- each.

Learned counsel for the petitioners submits that appeal, preferred by the petitioners, is pending before the lower appellate Court and now the matter stands compromised between the parties. Learned counsel for the

*petitioners relies upon **Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102.***

Notice of motion.

At this stage, Mr. Sumit Jain, Addl. A.G., Haryana and Mr. Anmol Jindal, Advocate put in appearance and accept notice on behalf of respondent No. 1/State and respondent No. 2/complainant, respectively. Learned counsel for respondent No. 2/complainant admits to the factum of compromise entered into between the parties.

List again on 16.04.2021.

In the meantime, the parties are directed to appear before the lower appellate Court for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The lower appellate Court is directed to submit a report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in FIR,*
- 2. Whether any accused is proclaimed offender,*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. Whether the accused persons are involved in any other FIR or not.*

However, this will be subject to payment of Rs. 25,000/- as costs, to be deposited by the petitioners with the District Legal Services Authority, concerned.”

In compliance of the order dated 11.11.2020, both the parties have appeared before the learned Additional Sessions Judge, Karnal and got their statements recorded. The learned Additional Sessions Judge, Karnal after recording the statements of the parties, has sent his report dated

15.01.2021, the relevant portion of which reads as under:-

“In this connection, it is respectfully submitted that the complainant Gopi Chand @ Bittu son of Sh. Sher Singh and injured PWs namely Chetan son of Sh. Sher Singh, Rani wife of Shri Dhan Singh and Roshan son of Kehar Singh as also the appellants / convicts Krishan and Balram sons of Phool Singh, Phool Singh son of Hukam Chand, Ramu and Shamu sons of Bhagta Ram and Smt. Labho Devi wife of Bhagta Ram, duly identified by their counsel, appeared before the court of undersigned on 11.12.2020 and got their statements recorded. Complainant and injured PWs have made a joint statement that they have compromised the matter with appellants in terms of the compromise / settlement dated 16.08.2020 Ex.PX and they have no objection if the compromise is accepted and the appeal is decided accordingly. They have been duly identified by their counsel. Similarly, appellants / convicts have also made a joint statement that they have compromised the matter with the complainant and injured in terms of the compromise / settlement Ex.PX. No other FIR has been registered against them nor they have been declared proclaimed offenders in any case. They have been duly identified by their counsel.

Notice to the Investigating Officer (IO) of the case was also issued and in pursuance to the notice IO SI Ved Pal No. 233 KR appeared before the Court on 21.12.2020 and his statement was also recorded. In the FIR, six persons namely the present appellants / convicts are arrayed as accused. The IO has stated that as per record, no other FIR / criminal case is registered / pending against the accused and they have not been declared proclaimed offender by any court of law.

In view of the above, it is respectfully submitted that the matter has been compromised between the parties with their free will and consent and without any pressure and coercion on either side as per the aforesaid statements and the compromise Ex.PX effected between the parties is genuine and valid. In the FIR, six persons namely the present appellants/ convicts are arrayed as accused and as per the statement of IO SI Ved Pal No.233 KR, no other FIR or case has been registered against the accused nor the accused have been declared proclaimed offenders in any case. Appellants have also placed on record receipt dated 25.11.2020 showing deposit of costs Rs.25,000/- by the appellants with the District Legal Services Authority, Karnal.

The original statements of the parties as well as statement of the IO SI Ved Pal No. 233 KR, copy of compromise / settlement dated 16.08.2020 and copy of receipt dated 25.11.2020 are appended herewith for kind perusal.”

It has been further stated that costs of Rs. 25,000/- have also been deposited with the District Legal Services Authority, Karnal, on 25.11.2020. Copy of the receipt has also been attached with the report of learned Additional Sessions Judge, Karnal.

After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-

3. The compromise is without any pressure and a genuine one.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**,

In the decision rendered in ***Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, 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 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

The parties are stated to be residing in the neighbourhood and the matter has been amicably settled with the intervention of respectables. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 264 dated 01.04.2013, registered under Sections 148, 149, 323, 324, 326 and 506 IPC at Police Station Sadar, Karnal on the basis of compromise effected between the parties, is ordered to be quashed, as well

as, the judgment of conviction dated 15.03.2019 and order of sentence dated 16.03.2019 passed by the learned trial Court are set aside. The petitioners are acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioners against the judgment of conviction dated 15.03.2019 and order of sentence dated 16.03.2019 would be rendered infructuous and shall be so declared by the learned First Appellate Court where the appeal is pending.

Resultantly, with the above-said observations made, the instant petition stands allowed.

April 16, 2021
vkd

(VIVEK PURI)
JUDGE

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