

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision : 18.11.2021

1. CRM-M-52694-2019

Amarjit Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

2. CRM-M-49536-2019

Ram Singh and others

... Petitioners

Versus

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Chetan Kapoor, Advocate
for the petitioner in CRM-M-52694-2019 and
for respondent no.2-complainant in CRM-M-49536-2019.

Mr.Karanbir Singh, AAG, Punjab.

Mr.Jasdeep Singh Gharuan, Advocate
for the petitioners in CRM-M-49536-2019 and
for respondent no.2-complainant in CRM-M-52694-2019.

VIKAS BAHL, J.(ORAL)

This order will dispose of aforesaid two petitions. The first
CRM-M-52694-2019 has been filed by Amarjit Kaur and five others against
State of Punjab and Ram Singh under Section 482 Cr.P.C. praying for

quashing of complaint no.10RT dated 24.07.2009/15 under Sections 324, 325, 342, 323, 148, 149, 34 IPC read with Section 120-B IPC (hereinafter referred to as “complaint case”) and all other consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 01.11.2016 passed by the Judicial Magistrate Ist Class, Rajpura, on the basis of compromise dated 29.08.2019 (Annexure P-5). The second CRM-M-49536-2019 has been filed by Ram Singh and four others against State of Punjab and Amarjit Kaur under Section 482 Cr.P.C. for quashing the FIR no.55 dated 01.06.2009 registered under Sections 325, 323, 148, 149 IPC at Police Station Banur, District Patiala (hereinafter referred to as “FIR case”) and all the consequential proceedings arising therefrom on the basis of compromise dated 29.08.2019 (Annexure P-2).

Both the cases are being taken up together as these cases are of version and cross-version.

In CRM-M-52694-2019, challenge is to the complaint dated 24.07.2009 which was filed by Ram Singh (respondent no.2-complainant in CRM-M-52694-2019 who is petitioner no.1 in CRM-M-49536-2019) against Amarjit Kaur and others in the Court of Judicial Magistrate Ist Class, Rajpura, under Sections 324, 325, 342, 323, 148, 149, 34 IPC read with Section 120-B IPC, Police Station Banur, Rajpura. In the said complaint case, the petitioners Amarjit Kaur and others were convicted and sentenced as follows:-

“Amarjit Kaur

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Charge under	Sentence
Section 342 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Rajinder Dass

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 342 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Jatinder Dass

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 342 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Radha Rani

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 342 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Baal Sarup Mehta

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 342 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Ranjit

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.

Charge under	Sentence
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 342 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

All the sentence shall run concurrently.”

Challenge in CRM-M-49536-2019 is to FIR no.55 dated 01.06.2009 under Sections 325, 323, 148, 149 IPC registered at Police Station Banur, District Patiala, on the statement of Amarjit Kaur (petitioner no.1 in CRM-M-52694-2019 who is respondent no.2-complainant in CRM-M-49536-2019). In the said case, the petitioners Ram Singh and others were convicted and sentenced as follows:-

Ram Singh

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 325 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Sukhdev Singh @ Koki

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 325 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Subash Kumar @ Boni

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 325 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Harnek Singh @ Joni

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 325 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

Joginder Singh @ Kaka

Charge under	Sentence
Section 148 IPC	To undergo a fine of Rs.500/- and simple imprisonment for 15 days in default of payment of fine.
Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.
Section 325 read with Section 149 IPC	To undergo rigorous imprisonment for a period of one year.

All the sentence shall run concurrently.”

The appeals against the said judgments were filed and the same are stated to be pending. During the pendency of the appeals, the parties have compromised the matter. The relevant portion of the settlement agreement in the complaint case is reproduced hereinbelow:-

“IN THE MEDIATION CENTRE, DISTRICT COURT, PATIALA

Amarjeet Kaur and others Vs. Ram Singh

This settlement has been reached today i.e 29.08.2019 in the Mediation Centre between the following Parties:-

- 1. Amarjit Kaur aged about 58 years, wife of Late Kamleshwar Dass.*
- 2. Rajinder Dass, aged about 41 years, son of Late Kamleshwar Dass.*
- 3. Jatinder Dass, aged about 34 years son of Late Kamleshwar Dass.*
- 4. Radha Rani, aged about 30 years son of Late Jatinder Dass, all residents of Ward no.8, Tepla Road, Banur, Tehsil Rajpura, Distt. Patiala now tehsil & Distt.*

SAS Nagar, Mohlai.

5. Ball Sarup Mehta aged about 81 years r/o Mohalla Mahitiya, Banur, Tehsil Rajpura, Distt. Patiala now Tehsil and District SAS Nagar, Mohali.

6. Ranjit aged about 55 years son of Sant Ram, (brother of appellant no.1)

r/o. Village soja, Tehsil Nabha, Distt. Patiala.

... Appellants/ 1st Party

VS

Ram Singh son of Gurbachan Singh, residents of Ward no. 4, Banur, Tehsil Rajpura, Distt. Patiala.

....2nd Respondent

CRA No. 587/2016

U/s 323/342/148/149 of IPC

Case Received from the court of:-

Ms. Priya Sood, ASJ, Patiala

Settlement Agreement

Present: Both the parties in person.

This settlement agreement has been executed between the parties regarding the dispute between them for the criminal case lodged against party no.1 wherein they were convicted vide judgment dated 01.11.2016, U/s. 323/342/148/149 and where the criminal appeal CRA/587/2016 for an alleged fight which took place. This appeal was entrusted to the Court Ms.Priya Sood, ASJ, Patiala. The said Court referred the matter to Mediation Centre and during discussions the parties have arrived at a settlement on the following terms and conditions:-

1. That the parties have decided to settle their dispute and the party no.2 has no objection if the appeal of the appellants is accepted and they are ordered to be acquitted after compounding the offences made against them by the trial Court.

2. The complainants party no.2 had also been convicted

in a private complaint so lodged by the appellant Amarjeet Kaur by the trial court in judgment dated 01.11.2016 U/s. 325 of IPC and where the criminal appeal CRA/597/2016 is also pending in the court of ASJ, Patiala. In that case the Party no.1 shall get the offences compounded from the concerned court as per the law.

3. That a civil appeal is pending in the Hon'ble High Court at Chandigarh regarding some civil dispute of the portion of a land and the same shall be got decided from the Hon' ble High Court in due course of time on merits. The decision thereof shall be acceptable to both the parties. However, in the case parties so decide in future, the same shall also be got compromised.

4. That the parties have no objection if both the criminal appeals described above, filed against each other are accepted and the concerned parties are acquitted by getting the offences compounded from the court.

6. So the parties have Signed this agreement on 29.08.2019 in the Mediation Centre Patiala, of their own free will & without any outside pressure. The contents of this agreement have been explained to both the parties in Punjabi in the presence of the respectable witnesses from both the side and they have also signed this agreement.

(Amarieet Kaur)

First Party

(Ram Singh)

Second Party

(Anil Puri)

Mediator/29.08.2019”

The compromise / settlement in the FIR case is reproduced

hereinbelow:-

*PATIALA**Ram Singh Vs. State of pb. (Aniarjeet Kaur and others)*

This settlement has been reached today i.e 29.08.2019 in the Mediation Centre between the following Parties:

- 1. Ram Singh son of Gurbachan Singh.*
- 2. Sukhdev Singh @ koki son of Ram Singh.*
- 3. Subhash Kumar @ Boni son of Ram Singh*
- 4. Harnek Singh @ Joni son of Sunder Singh*
- 5. Joginder Singh @ Kaka son of Amar Nath*

All residents of Ward no. 4, Banur, Tehsil Rajpura, Distt. Patiala.

.. Appellants/1st Party

VS

State of Punjab through Amarjeet Kaur wife of Late Kamleshwar Dass, Village soja, Tehsil Nabha, Distt. Patiala

.....2nd Party/ Complainant

CRA No.597/2016

U/s 325 of IPC

Case Received from the court of:-

Ms.Priya Sood, ASJ, Patiala.

Settlement Agreement

Present:- Both the parties in person.

This settlement agreement has been executed between the parties regarding the dispute between them for the criminal case lodged against party no.1 wherein they were convicted vide judgment dated 01.11.2016, U/s. 325 of IPC and appeal No. CRA/597/2016 has been filed. This appeal was entrusted to the Court Ms. Priya Sood, ASJ, Patiala. The said Court referred the matter to Mediation Centre and during discussions the parties have arrived at a settlement on the following terms and conditions:-

- 1.That the parties have decided to settle their dispute*

and the party no. 2 has no objection if the appeal of the appellants is accepted and they are ordered to be acquitted after compounding the offences made against them by the trial Court.

2. The complainants party no.2 had also been convicted in a case so lodged by the appellant Ram Singh by the trial court in judgment dated 01.11.2016 U/s. 323 of IPC and where the criminal appeal CRA/587/2016 is also pending in the court of ASJ, Patiala. In that case the Party no.1 shall get the offences compounded from the concerned court as per the law.

3. That a civil appeal is pending in the Hon'ble High Court at Chandigarh regarding some civil dispute of the portion of a land and the same shall be got decided from the Hon'ble High Court in due course of time on merits. The decision thereof shall be acceptable to both the parties. However, in the case parties so decide in future, the same shall also be got compromised.

4. That the parties have no objection if both the criminal appeals described above, filed against each other are accepted and the concerned parties are acquitted by getting the offences compounded from the court.

6. So the parties have signed this agreement on 29.08.2019 in the Mediation Centre Patiala, of their own free will & Without any outside pressure. The contents of this agreement have been explained to both the parties in Punjabi In the presence of the respectable witnesses from both the side and they have also signed this agreement.

(Ram Singh)

First Party

(Amarjeet Kaur)

Second Party

(Anil Puri)

Mediator/29.08.2019”

A perusal of the above said compromise would show that the

matter has been amicably settled and it has been stated that the parties have no objection in case the petitioners / convicts in respective cases are acquitted by getting the offences compounded from the Court.

Learned counsel for Ram Singh and Amarjit Kaur, who are the complainants in the complaint case and FIR case respectively, have reiterated that the matter has been compromised and the said compromise is genuine and is entered without any undue influence or coercion and in the interest of all the persons and would help in bringing out peace and amity between the parties. They jointly pray that the present petitions be allowed and the FIR and subsequent proceedings arising therefrom as well as the judgment of conviction in the FIR case as also the complaint case and subsequent proceedings arising therefrom as well as the judgment of conviction in the complaint case may be quashed and the petitioners in both the cases be acquitted.

Learned counsel for the petitioners has submitted that the compromise is genuine and bonafide and has referred to the judgment of a Co-ordinate Bench of this Court in ***CRM-M-17272-2015 dated 28.01.2016*** titled as “***Ram Parkash and others Vs. State of Punjab and others***” to contend that under similar circumstances, the petition under Section 482 Cr.P.C. was entertained and the FIR with all subsequent proceedings was quashed and even the judgment of conviction was set aside on the basis of compromise.

Learned counsel for the petitioners has also relied upon the latest judgment dated 29.09.2021 of the Hon'ble Supreme Court of India in ***Criminal Appeal no.1489 of 2012*** titled as “***Ramgopal & Anr. vs. The State of Madhya Pradesh***” and connected matter and has prayed that the

present petition be allowed.

Learned State counsel has opposed both the petitions for quashing and submitted that in both the cases, the petitioners have already been convicted and sentenced.

This Court has heard learned counsel for the parties and has perused the paperbook.

The Hon'ble Supreme Court of India in ***Ramgopal and Anr.'s*** case (supra) has discussed in detail the power of the High Court under Section 482 Cr.P.C. along with other issues. The relevant portion of said judgment is reproduced hereinbelow:-

2. The prosecution version, arising out of FIR dated 3rd November 2000, Police Station Ambah, Morena, M.P. is that on account of certain monetary dispute, the Appellants abused and assaulted Padam Singh (Complainant). Appellant No.1 is alleged to have struck the Complainant with a pharsa , which resultantly cut off the little finger of his left hand. Appellant No.2 also struck lathi blows on the body of the Complainant. Appellants were thereafter committed for trial under Sections 294, 323 and 326 read with 34 of Indian Penal Code, 1860 (hereinafter, 'IPC') and Section 3 of the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989. Upon analyzing the evidence, the Learned Judicial Magistrate(FC), Ambah, convicted the Appellants under Sections 294, 323 and 326 read with 34 IPC with a maximum sentence of three years under Section 326 read with 34 IPC.

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12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal

proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly 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. 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. 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. vs. State of Punjab & Ors. and Laxmi Narayan (Supra).

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19. We thus sum up and hold that as opposed to Section 320 Cr.P.C. 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. 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. 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.”

A perusal of the above said judgment would show that it has been held that extra ordinary power is enjoined upon a High Court under Section 482 Cr.P.C. that can be invoked beyond the metes and bounds of Section 320 Cr.P.C. It has further been observed that criminal proceedings involving non henious offences can be annulled irrespective of the fact that trial has already been concluded and appeal stands dismissed against conviction and that handing out punishment is not the sole form of delivering justice. Thus, 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

The Coordinate Bench of this Court in Ram Parkash's case (*supra*), has allowed the petition under Section 482 Cr.P.C. under similar circumstances. The relevant portion of the said judgment is reproduced hereinbelow:

“Prayer in this petition filed under Section 482 Cr.PC is for quashing of the FIR No.225, dated 24.08.2005 (Annexure P-1) under Sections 323, 324, 452, 506, 148 and 149 IPC(subsequently added Section 308 and 336 IPC), registered at Police Station Sadar Nawanshahar, District-Nawanshahar, on the basis of compromise dated 06.02.2015(Annexure P-4) and all other subsequent proceedings arising therefrom including the judgment of conviction and order of sentence, both dated 25.09.2013 passed by the learned Addl. Sessions Judge, Shaheed Bhagat Singh Nagar, whereby the accused-petitioners, were convicted and sentenced...

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Quashing of the aforesaid FIR and setting aside of the impugned judgment and order of sentence dated 25.09.2013 passed by the learned Addl. Sessions Judge, Shaheed Bhagat Singh Nagar, is sought on the basis of compromise dated 06.02.2015 (Annexure P-4), entered into between the parties during the pendency of the appeal before this Court.

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*This Court in the case of **Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102** has considered the compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings*

at any stage so as to secure the ends of justice and has observed as under:-

“15. The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 Criminal Procedure Code and pass an appropriate order so as to secure the ends of justice.

*16. As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910 : (2008)5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498A Indian Penal Code and sentenced to 18 months' imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.*

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.

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19. xxx xxx

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21. *In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.*

22. *Consequently and for the reasons afore-stated, we allow this petition and set aside the judgement*

and order dated 16.03.2009 passed in Criminal Case No. 425-1 of 2000 of Additional Chief Judicial Magistrate, Hisar, on the basis of compromise dated 08.08.2011 arrived at between them and their step-mother respondent No.2 (Smt. Reshma Devi) w/o late Rajmal qua the petitioners only. As a necessary corollary, the criminal complaint filed by respondent No.2 is dismissed qua the petitioners on the basis of above-stated compromise. Resultantly, the appeal preferred by the petitioners against the above-mentioned order dated 16.03.2009 would be rendered infructuous and shall be sodeclared by the first Appellate Court at Hisar.”

*Similarly, in the case of **Baghel Singh Versus State of Punjab 2014(3) RCR (Criminal) 578**, whereby the accused was convicted under Section 326 IPC and was sentenced to undergo rigorous imprisonment for two years, the parties entered into compromise during the pendency of the appeal. This Court while relying upon the judgment of **Lal Chand Versus State of Haryana, 2009 (5) RCR (Criminal) 838** and **Chhota Singh Versus State of Punjab 1997(2) RCR (Criminal) 392** allowed the compounding of offence in respect of offence under Section 326 IPC at the appellate stage with the observation that it will be a starting point in maintaining peace between the parties, such offence can be compounded.*

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Accordingly, FIR No.225, dated 24.08.2005 (Annexure P-1) under Sections 323, 324, 452, 506, 148 and 149 IPC(subsequently added Section 308 and 336 IPC), registered at Police Station Sadar Nawanshahar, District-Nawanshahar and all subsequent proceedings arising therefrom, qua the accused petitioners, are

quashed, on the basis of compromise dated 06.02.2015 (Annexure P-4), subject to payment of costs of Rs.25,000/-, to be deposited with the Punjab State Legal Services Authority, Chandigarh.

Consequently, the judgment of conviction and order of sentence, both dated 25.09.2013 passed by the learned Addl. Sessions Judge, Shaheed Bhagat Singh Nagar, are set aside subject to payment of cost.”

This Court in a judgment dated 09.03.2017 passed in CRR no.390 of 2017 titled as **“Kuldeep Singh vs. Vijay Kumar and another”** has held as under:-

*“Reliance can be placed on **Kaushalya Devi Massand vs. Roopkishore Khore, 2011 (2) RCR (Criminal) 298** and **Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097**. The revisional jurisdiction of the High Court in terms of Section 401 Cr.P.C. would result in bringing about ends of justice between the parties in the event of finding that the compromise is genuine, bonafide and free from any undue influence.*

The compromise in question would serve as a everlasting tool in favour of the parties for which indulgence can be given by this Court. The revisional exercise would also be in consonance with the spirit of Section 147 of Negotiable Instruments Act.

*The principle as laid down in **Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097**, would be squarely fortified if the compromise in question is allowed to be effected between the parties with leave of the Court.*

In view of aforesaid, impugned judgment dated 19.01.2017 passed by Additional Sessions Judge, Sri Muktsar Sahib vide which conviction and sentence of the petitioner was upheld stands quashed.

*The revision petition is allowed subject to deposit of 15% of the cheque amount as per ratio laid down in **Damodar S. Prabhu's case (supra)** to State Legal Services Authority, failing which this order will be of no consequence. Necessary consequences to follow."*

Reliance in the abovesaid judgment was also placed upon the judgment of the Hon'ble Supreme Court in **Damodar S. Prabhu's case (supra)** and thus, as per settled law, this Court has the power to set aside the judgment of conviction against the petitioner on the basis of a valid compromise. The compromise in the present case is genuine and valid.

Keeping in view the law laid down in the abovesaid judgment, more so the judgment of the Hon'ble Supreme Court of India in **Ramgopal & Anr's case (supra)**, the relevant parameters for consideration as laid down by the said judgment, would be considered by this Court. Firstly, the occurrence which has been involved in the present petition can be categorized as purely personal / criminal act of private nature. Secondly, the injuries which have been caused are not dangerous to life and do not appear to exhibit element of mental depravity or commission of an offence of such a serious nature, that quashing the criminal proceedings of such like cases would override public interest. Thirdly, in view of the injuries and the offence, it would be immaterial that the petitioners have been convicted by the Judicial Magistrate Ist Class. Fourthly, the compromise is without any coercion or compulsion and has been entered into willingly and voluntarily. Fifthly, the occurrence took place in the year 2009 and there is nothing to show that any untoward incident has taken place after the same. Sixthly, the petitioners as well as the complainants are all residents of Banur, District Patiala and thus, quashing of present proceedings would bring peace and

harmony among the parties. Seventhly, the object of administration of the criminal justice system would remain unaffected on acceptance of the said amicable settlement between the parties and /or resultant acquittal of the petitioners.

Thus, keeping in view abovesaid facts and circumstances, both the petitions are allowed and the complaint no.10RT dated 24.07.2009/15 under Sections 324, 325, 342, 323, 148, 149, 34 IPC read with Section 120-B IPC and all other consequential proceedings arising therefrom, are quashed qua the petitioners and the judgment of conviction and order of sentence dated 01.11.2016 passed by the Judicial Magistrate Ist Class, Rajpura, is set aside. Similarly, FIR no.55 dated 01.06.2009 registered under Sections 325, 323, 148, 149 IPC at Police Station Banur, District Patiala and all other consequential proceedings arising therefrom are quashed and the judgment and order of sentence dated 01.11.2016 passed by the Judicial Magistrate Ist Class, Patiala, are set aside, qua the petitioners.

(VIKAS BAHL)
JUDGE

November 18, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No