

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10281-2018

Date of Decision: May 31, 2022

Jitender @ Chaman and others

.... *Petitioners*

Versus

State of Haryana and another

... *Respondents*

CORAM: HON'BLE MR.JUSTICE VIVEK PURI

Present: Mr. Jitender Nara, Advocate,
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana

Mr. Naresh Chhokar, Advocate
for Mr. H.N. Sahu, Advocate,
for respondent no.2.

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Vivek Puri, J.

The 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. 80 dated 01.02.2014, registered under Sections 323, 325, 354-B, 34 of the Indian Penal Code, at Police Station Jhajjar, District Jhajjar and all the subsequent proceedings arising therefrom, as well as, judgment of conviction dated 02.06.2017 and order of sentence dated 05.06.2017

passed by the learned Judicial Magistrate 1st Class, Jhajjar, on the basis of compromise and affidavit dated 11.12.2017.

Precisely, the case has been registered on the allegation that on 20.01.2014, the respondent no.2 reached in front of the house of the petitioners, who abused and physically assaulted her. They even outraged her modesty and consequently, the aforesaid FIR was registered.

The petitioners have been convicted under Sections 323, 325, 354, 354-B read with Section 34 IPC in terms of the judgment dated 02.06.2017 and sentenced six months imprisonment and fine of Rs. 500/- each under Section 323 read with 34 IPC, one year of imprisonment and fine of Rs. 1000/- each under Section 325 read with 34 IPC, one year of imprisonment and fine of Rs. 1000/- each under Section 354 read with 34 IPC and three years of imprisonment and fine of Rs. 1000/- each under Section 354-B read with Section 34 IPC by the court of learned Judicial Magistrate Ist Class, Jhajjar. It was also directed that all sentences run concurrently.

Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioners have preferred a criminal appeal which is now pending in the court of learned Additional Sessions Judge, Jhajjar.

In terms of the order dated 29.04.2019, the private parties were directed to appear before the learned Illaqa Magistrate to get the statements recorded and the learned Illaqa Magistrate was directed to make a report with regard to its satisfaction and submit it along with the statements and supporting documents to this Court.

In compliance of the order dated 29.04.2019, the parties have appeared before the learned trial Court and got their statements recorded. The learned Judicial Magistrate, after recording the statements of the parties, has sent the report dated 15.05.2019. The relevant portion of the report is reproduced as following:-

“In view of the statement made by the parties, the Court is of the considered view that parties have got their statement recorded voluntarily without any pressure, coercion or undue influence. Perusal of the case file reveals that there is no proclaimed offender in the present FIR.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of the compromise (Annexure P/3). The respondent no.2 has also sworn an affidavit (Annexure P/4) acknowledging the fact of compromise having been effected between the parties and has no objection in the event the FIR is quashed. The parties are residing in the neighbourhood and the amicable settlement will help in maintaining cordial relations between them. The petitioners have been convicted by the learned trial Court and the appeal preferred against the judgment of conviction dated 02.06.2017 and order of sentence dated 05.06.2017 is pending in the court of learned Additional Sessions Judge, Jhajjar, for 06.06.2022

Learned counsel for respondent no.2 has not disputed the fact of amicable settlement and has further stated that the FIR and the subsequent proceedings may be quashed.

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-4). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

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.”

Furthermore, in the recent decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322***, it has been held by the Supreme Court that non compoundable

criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

In the facts and circumstances of the case, in the event the conviction is continued to be maintained, the relations may get strained and the peace and harmony prevailing between the parties may be disturbed.

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. 80 dated 01.02.2014, registered under Sections 323, 325, 354-B, 34 of the Indian Penal Code, at Police Station Jhajjar, District Jhajjar and all the subsequent proceedings arising therefrom, on the basis of compromise dated 11.12.2017 (Annexure P/3) effected between the parties, are ordered to be quashed, as well as, the judgment of conviction dated 02.06.2017 and order of sentence dated 05.06.2017 passed by the learned Judicial Magistrate 1st Class, Jhajjar 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 02.06.2017 and order of sentence dated 05.06.2017 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

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

May 31, 2022
vkd

(VIVEK PURI)
JUDGE

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