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

CRM-M-17065-2021

Decided on: 10th March, 2022

Ram Savrup @ Ram Swaroop and another

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ram Kumar Saini, Advocate for the petitioners.

Mr. Karan Sharma, Deputy Advocate General, Haryana.

Mr. Pranjal Chaudhary, Advocate for the respondent No.2.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 127 dated 17th February, 2011 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Civil Line Hisar as well as setting aside of judgment of conviction and order of quantum of sentence dated 17th January, 2017 and 20th January, 2017, respectively during pendency of appeal, in view of compromise dated 7th March, 2021.

[2] Brief facts of the case are that FIR was got registered by Suresh Kumar (complainant/ respondent No.2) against Kaur Singh, Ram Sawroop (petitioner No.1) and Jagdish (petitioner No. 2). As per the allegations, a pronote was forged by the accused and borrowed

amount of Rs. 5,000/- was changed to Rs. 25,000/-. The accused were convicted vide judgment dated 17th January, 2017. Aggrieved of conviction and quantum of sentence, appeal was preferred and the same is pending before the Additional District Judge, Hisar (hereinafter referred to as 'Appellate Court'].

[3] During the pendency of appeal, accused-Kaur Singh passed away. With the intervention of respectables of the locality, compromise was effected between the complainant and present petitioners on 7th March, 2021, hence the present petition was filed.

[4] Vide order dated 18th February, 2022, the parties were directed to appear before the Court concerned for recording their statements with regard to compromise. A report dated 3rd March, 2022 is received from the Judicial Magistrate 1st Class, Hisar stating that none of the accused has been declared proclaimed offender, compromise is voluntary, without any pressure, threat or inducement and appears to be genuine.

[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 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., 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)*.*

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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] The basic bone of contention was money to be refunded and there were allegations of forgery. The dispute had ingredient of money transaction also. With the intervention of respectables, parties have compromised the matter. There is nothing on record regarding any untoward incident 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, judgment of conviction and order of sentence are quashed.

[8] The appeal pending before the Appellate Court stands infructuous.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

10th March, 2022

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