

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25475-2015 (O&M)

Date of decision : 14.09.2022

Harbans Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Dhirinder Chopra, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. B.S. Saini, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.67 dated 26.06.2010, registered for the offences punishable under Sections 323, 324 read with Section 34 of IPC at Police Station Nihal Singh Wala, District Moga on basis of compromise deed dated 15.07.2015 (Annexure P-4).

On 12.12.2017, the following order was passed:-

“The petitioners are seeking quashing FIR No.67 dated 26.06.2010 under Sections 323/324/34 IPC registered at Police Station Nihal Singh Wala, District Moga and all consequential proceedings arising therefrom including the judgment of conviction and order of sentence dated 12.03.2015 (Annexure P-3) passed by Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, on the basis of compromise dated 15.07.2015 (Annexure P-4).

In pursuance to the previous order of this Court, report dated 02.12.2017 from Additional Sessions Judge, Moga has been received which indicates that although statement of complainant was recorded but the statements of other parties with regard to compromise have not been recorded.

List on 17.01.2018.

In the meantime, the parties are directed to appear before the Appellate Court on 21.12.2017. The Appellate Court shall record their statements with regard to genuineness of the compromise as to whether compromise has been effected between the parties without any undue influence or coercion and send its report to this court before the next date of hearing.”

Pursuant to the aforesaid order, report from Additional Sessions Judge, Moga has been received, which is taken on record. As per the report, the compromise occurred between the parties is without any undue influence or coercion.

Mr. B.S. Saini, Advocate, appears for respondents No.2 and 3 and admits the fact of parties having compromised.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offence punishable under Section 324 of the IPC is non compoundable.

In response thereto, learned counsel for the petitioners relies upon the judgment passed by the Supreme Court in ***Criminal Appeal No.1489 of 2012, titled as 'Ramgopal and another vs. The State of Madhya Pradesh'***. The relevant portion of which reads as under:-

“XX XX XX

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 extra-ordinary 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).***”

Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, present petition is allowed. FIR No.67 dated 26.06.2010, registered for the offences punishable under Sections 323, 324 read with Section 34 of IPC at Police Station Nihal Singh Wala,

District Moga and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

Since the main case has been decided, pending criminal miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

14.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No