

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

CRM-M-20084-2021

Date of Decision: 27th May, 2022

Vikram Singh

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pranjal P. Chaudhary, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Sunil Kumar-respondent No.2 in person.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 91, dated 8.3.2013, under Sections 406, 420 IPC, registered at Police Station Faridabad Central and all subsequent proceedings arising therefrom, including judgment dated 4.10.2016 on the basis of compromise dated 15.6.2017 (after conviction)

The FIR was registered at the instance of Sunil Kumar. The petitioner acted as a mediator for purchasing SRS flat. A sum of Rs. 17,50,000/- was handed over to him which was misappropriated. The petitioner faced trial in the above mentioned FIR and was convicted under Section 406 IPC on 4.10.2016 and vide order dated 6.10.2016 was sentenced to undergo one year rigorous imprisonment.

Aggrieved of the conviction in petition, appeal was preferred which is pending. During the pendency of the appeal the issue was compromised between the parties vide compromise dated 15.6.2017, hence the present petition was filed.

On 7.12.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 24.12.2021 is received stating that the compromise is genuine, voluntarily and without any pressure or undue influence. They are not declared proclaimed offenders.

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 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 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).

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."

The dispute in present case can be categorized as commercial in nature. With the intervention of respectables parties have compromised the matter. The allegations are of 2013, there is nothing on the record regarding any untoward incident before or after the compromise. The quashing of the proceedings will help to advance peace and harmony and the step put forth by the parties to forget and forgive any ill will.

Considering the law laid down by the Supreme Court and the peculiar facts and circumstances of the case, as a result of the amicable settlement between the parties the above mentioned FIR, conviction judgment and order of sentence are quashed.

The appeal pending before the Appellate Court has been rendered infructuous.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

27th May, 2022
anuradha

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |