

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

216 (4 cases)

CRR-3251-2014 (O&M)

Date of Decision : 21.11.2022

Jai Narain and another

..... Petitioners

Versus

State of Haryana

..... Respondent

2.

CRR-3356-2014 (O&M)

Parkash Chand and others

..... Petitioners

Versus

State of Haryana

..... Respondent

3

CRR-3491-2014 (O&M)

Ramesh Chand and others

..... Petitioners

Versus

State of Haryana

..... Respondent

4

CRR-4201-2014 (O&M)

Jai Narain and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ajit Sihag, Advocate
for the petitioners in CRR-3251 & 3491-2014

Mr. Abhimanyu Singh, Advocate
for the petitioners in CRR- 3356-2014.

Ms. Deepali Verma, Advocate
for the petitioners in CRR-4201-2014.

Ms. Ankita Ahuja, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

By this common order, four above-mentioned criminal revisions are disposed of because all the criminal revisions are between the same parties and common issues are involved. The facts are borrowed from CRR-3356-2014.

1. The petitioners through instant petitions are seeking setting aside of judgment and order dated 19.12.2011/21.12.2011 whereby Judicial Magistrate 1st Class, Bhiwani convicted the accused persons as well as order dated 29.09.2014 vide which learned Additional Sessions Judge, Bhiwani dismissed appeals filed by the petitioners.

2. Learned counsel for the petitioners submitted before this Court that there is possibility of some amicable settlement. Accordingly, this Court vide order dated 11.01.2019 directed the parties to appear before the Mediation & Conciliation Centre of this Court for getting their statements recorded with regard to the compromise. The matter was amicably settled before the Mediator in Mediation & Conciliation Centre of this Court in view of compromise dated 11.04.2019.

3. This Court vide order dated 26.07.2022 directed the parties to appear before the learned trial Court for recording their statements with regard to compromise.

4. In terms of order dated 26.07.2022, learned JMIC, Bhiwani has submitted his report dated 25.08.2022. The relevant extracts of the report

are as below :-

*“Perusal of the memo of parties of all four CRRS ie. CRM-M- 3251-2014 titled as "Jai Narain and another Vs. State of Haryana", CRR No. 3356 of 2014, CRR No. 3491 of 2014 & CRR No. 420 of 2014 placed on record by learned counsel for applicant and also attached with the order received from Hon'ble Punjab & Haryana High Court shows that in common there are eleven private individuals either impleaded as petitioners or respondents namely **Jai Narain, Rajender Prasad, Prakash Chand, Raj Bala, Mohan Lal, Rattan Lal, Sonu @ Jayant Kumar, Ramesh Chander, Rambir, Reena and Bijender**. Learned counsel for applicants stated at bar that Bijender was acquitted by the court in FIR 95 dated 12.08.2007 u/s 148, 149, 323, 324 of IPC thus, he did not approach Hon'ble High Court, however, is arrayed as respondent by opposite party in CRR No. 420 of 2014. He voluntarily suffered a separate statement to the effect that matter between his family and opposite party is compromised. All other remaining ten private individuals, who are parties to these CRR's are also present in court. On being personally asked from these individuals (Parkash Chand, Rajhals, Mohan Lal, Rattan Lal, Sonu @ Jyant Kumar, Jai Narain, Ramesh Chand. Rajender Parsad, Rambir and Rena) present in court, they replied that matter between them has been compromised in mediation centre at Hon'ble High Court and have appeared to give their statements qua compromise. Further stated that they are stating voluntarily and without any type of fear and pressure. Separate statement of each individual is recorded that matter is compromised between them. The parties are duly identified by their counsels.*

4. After considering the oral submissions and statements

suffered by the parties as well as personal interaction with them. I am satisfied that the compromise between the parties has been effected with their free volition and same is not result of any undue influence or pressure. Original copy of statements of parties duly identified by their counsels be sent to Hon'ble Punjab and Haryana High Court, Chandigarh in continuation of letter No. 259 dated 26.07.2022.

5. Ahlmad concerned is directed to keep photocopies of the statements on the case file. A separate letter be also forwarded to the Hon'ble High Court. Copy of this order along with photocopies of statements of all parties concerned be placed on record on both the files ie. CRM/1834/2022 and CRM/1835/2022, both applications stands disposed of accordingly. File be consigned to the record-room after, due compliance.”

5. Learned State counsel submits that she has no objection if the present petitions are allowed and impugned orders are quashed.

6. Relying upon its earlier judgments in '**Gian Singh Vs. State of Punjab and others, (2012) 10 SCC 303**' and '**The State of Madhya Pradesh Vs. Laxmi Narayan and others (2019) 5 SCC 688**', a two Judge Bench of the Hon'ble Supreme Court in '**Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC online SC 834**' while dealing with power of High Court under Section 482 of Cr.P.C. to quash non-compoundable offences on the basis of compromise between the disputing parties has held:

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under [Section 320 Cr.P.C.](#) Any such attempt by the court would amount to alteration, addition and modification of [Section 320 Cr.P.C.](#), which is the exclusive domain of Legislature.

There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of 'compoundable' offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

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 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. 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.](#)³ and *Laxmi Narayan (Supra)*.*

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said

that “let no guilty man escape, if it can be avoided.”

7. From the perusal of the report of the Mediator, report of the Trial Court and compromise arrived between the parties, it transpires that contesting parties have amicably resolved their issue, thus, no useful purpose would be served by continuing the proceedings. The alleged offences are of pre-dominantly private in nature and no moral turpitude or interest of public at large is involved. The continuance of the proceedings would waste valuable judicial time and it is well-known fact that courts are already over burdened.

8. In view of above facts and circumstances, the present petitions deserve to be allowed and accordingly are allowed. The judgment and order dated 19.12.2011/21.12.2011 passed by trial Court and order dated 29.09.2014 passed by Appellate Court in FIR No.95 dated 12.08.2007, registered at Police Station Bhawani Khera, under Sections 148, 149, 323, 324 of IPC are hereby set aside.

(JAGMOHAN BANSAL)
JUDGE

21.11.2022

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>