

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

CRM-M-31366-2019

Date of Decision: August 23, 2022

Harwinder Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amarbir S. Salar, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, DAG, Punjab.

Mr. Jasjeet Singh Dhaliwal, Advocate,
for Mr. SahilVashisht, Advocate,
for respondent nos.2 to 8.

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. 68 dated 06.10.2015, registered under Sections 323, 506, 354, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Badali Ala Singh, District Fatehgarh Sahib and all other consequential proceedings arising therefrom, as well as, judgment dated 17.02.2018 passed by the Court of learned Judicial Magistrate 1st Class, Fatehgarh Sahib vide which the petitioners have been convicted and sentenced, on the basis of compromise dated 03.07.2019 (Annexure P-2).

Briefly, the FIR has been registered on the score that on 06.10.2015, the petitioners had entered into scuffle with the respondent no.2 and during the course of scuffle, the clothes were also torn. Consequently, the aforesaid FIR was registered. The petitioners have been convicted under Sections 354/506/34 IPC in terms of the judgment dated 17.02.2018 and sentenced as following:-

<i>Offence</i>	<i>Punishment</i>	<i>Fine</i>
<i>354 IPC</i>	<i>1 year rigorous imprisonment</i>	<i>Rs. 1000/-</i>
<i>506 IPC</i>	<i>1 year rigorous imprisonment</i>	<i>Rs. 1000/-</i>

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, Fatehgarh Sahib.

On 24.07.2019, the parties were directed to appear before the learned appellate Court to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned appellate Court shall send a report regarding the genuineness of the compromise.

In compliance of the order dated 24.07.2019, the learned Additional Sessions Judge, Fatehgarh Sahib has

sent its report and the relevant portion thereof is reproduced as following:-

“From the statements of the parties so recorded and discussed above, it appears that the compromise so arrived at between the parties is a voluntary act of the parties. There seems to be no element of pressure, threat or coercion on any of the parties. The parties seem to have amicably resolved all their disputes.”

Learned counsel for the petitioners contend that criminal appeal titled as “Harwinder Singh etc. Vs. State of Punjab etc.” is pending in the Court of learned Additional Sessions Judge, Fatehgarh Sahib and the next date of hearing is 03.09.2022.

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-2). 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 decision rendered in **Ramgopal and another Vs. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, decided on 29.09.2021**, 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.

The parties are stated to be residing in the same village and the matter has been amicably settled with the

intervention of co-villagers. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

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. 68 dated 06.10.2015, registered under Sections 323, 506, 354, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Badali Ala Singh, District Fatehgarh Sahib and all other consequential proceedings arising therefrom, as well as, judgment dated 17.02.2018 passed by the Court of learned Judicial Magistrate 1st Class, Fatehgarh Sahib vide which the petitioners have been convicted and sentenced, are ordered to be quashed. The petitioners are acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 17.02.2018 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.

August 23, 2022
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No