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

CRM-M-50857-2021

Decided on: 8th February, 2022

Zile Singh

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 482 Cr.P.C. is filed for quashing of F.I.R. No.241, dated 20th May, 2014, under Sections 323, 324, 325, 341, 506 IPC read with Section 34 IPC as well as judgment of conviction and order of quantum of sentence during pendency of appeal before the Additional Sessions Judge, Karnal, in view of compromise (Annexure P-4).

[3] Brief facts of the case are that two families were having differences as Vijay son of Babu Ram was convicted and sentenced for seven years for committing rape of wife of Balbir. In this backdrop, an incident took place on 20th May, 2014 wherein Zile Singh (petitioner)

son of Babu Ram attacked Suresh Kumar (respondent No.2). Gandasi injuries were inflicted on the little finger and waist of the complainant. During the trial, Babu Ram expired. The parties have compromised the matter during the pendency of the appeal.

[4] On 9th December, 2021, the parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise.

[5] Report dated 6th January, 2022 was received from the Additional Sessions Judge, Karnal. It is stated therein that compromise is voluntary, without any pressure or undue influence.

[6] 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 nonheinous 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)*.*

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."

[7] The parties have bridged their differences and 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.

[8] 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, order of conviction and sentence are quashed.

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

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

8th February, 2022
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |