

CRA-S-312-2019 (O&M)

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

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**CRA-S-312-2019 (O&M)
Date of decision: 19.04.2023**

SURJEET ALIAS SUJEET

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Neeraj Sheoran, Advocate
for the applicant-appellant.

Mr. Surender Singh, AAG, Haryana.

Mr. Amandeep, Advocate for
Mr. S.S. Tomar, Advocate
for respondent No.2.

VIKRAM AGGARWAL, J (ORAL)
CRM-3983-2019

1. Prayer in the present application is for setting aside the judgment of conviction dated 16.01.2019, passed by the Additional Sessions Judge, Bhiwani, vide which the applicant-appellant was convicted under Section 325 read with Section 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and order of sentence dated 17.01.2019, vide which he was sentenced to undergo rigorous imprisonment for a period of 2 years alongwith fine of Rs. 5000/- under Section 325 read with Section 34 IPC and undergo rigorous imprisonment for a period of two years and a fine of Rs. 5000/- under Section 3 of SC/ST (Prevention of Atrocities) Act, on the basis of

compromise arrived at between the parties on 22.01.2019.

2. On the request of learned counsel for the parties, the main appeal is taken on board for disposal.

CRA-S-312-2019

1. FIR No. 161 dated 27.03.2017 was registered at Police Station, Sadar Bhiwani, District Bhiwani under Section 323, 325/34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the present appellant Surjeet @ Sujeet and his brother Manjeet who was a juvenile. He was facing trial separately before the Juvenile Justice Board and during the pendency of the trial, the parties are stated to have arrived at a compromise. On the basis of the compromise two petitions were filed, one on behalf of the present applicant Surjeet and the second petition i.e. CRM-M-5120-2019, on behalf of Manjeet. The petition filed by Manjeet was allowed vide judgment dated 19.08.2019, passed in CRM-M-5120-2019 and the FIR was quashed.

2. In the present case, the appellant was convicted and sentenced in the manner referred to above by the Additional Sessions Judge, Bhiwani.

3. Learned counsel for respondent No.2 admits the factum of the compromise having been arrived at between the parties.

4. Learned counsel representing the State of Haryana, has stated that there is no other case pending against the appellant.

5. Recently in the case of Ram Gopal & Anr. vs. State of Madhya Pradesh 2021 (4) R.C.R. (Criminal) 322, the Hon'ble Apex Court held that non-compoundable criminal cases that are pre-dominantly private in nature can be quashed under Section 482 Cr.P.C. even if compromise is reached

after conviction. The Hon'ble Apex Court held as under:-

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 extra-ordinary 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, hearing in mind: (I) Nature and effect of the offence on the conclusions 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.

6. Keeping in view the fact that the parties have arrived at a compromise, there is no other case against the applicant-appellant and keeping in view the ratio laid down by the Supreme Court of India in the judgment referred to in the preceding paragraph, the judgment of conviction dated 16.01.2019 and order of sentence dated 17.01.2019 passed by the Additional Sessions Judge Bhiwani, are set aside.

(VIKRAM AGGARWAL)
JUDGE

19.04.2023
himanshu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No