

CRA-S-2331-SB-2011 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2331-SB-2011 (O&M)
Date of Decision: April 10, 2023

Charan Singh and another

...Appellants

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Dilsher S. Mann, Advocate,
for Mr. D.S. Pheruman, Advocate,
for the appellants.

Mr. J.S. Arora, Deputy Advocate General, Punjab,
for respondent No. 1 – State.

Mr. Tarundeep Kumar, Advocate,
for respondent No. 2.

SANJAY VASHISTH, J.

1. By this judgment and order, I propose to dispose of Criminal Appeal No. CRA-S-2331-SB-2011 and Criminal Miscellaneous Application No. CRM-31177-2014.

2. Feeling aggrieved against the judgment of conviction and order of sentence, dated 25.08.2011, passed by learned Additional Sessions Judge, Tarn Taran / Trial Court, in Sessions Case No. 73 of 2004/2011 [Sessions Trial No. 21 of 2011, instituted on 09.05.2004/19.02.2011], arising out of FIR No. 132, dated 03.08.2004, under Sections 307, 326, 324, 323, 382,

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427, 193, 120-B, 148 and 149 IPC, registered at Police Station Bhikhiwind, appellants, namely – (1) Charan Singh & (2) Lakha Singh, had preferred Criminal Appeal No. CRA-S-2331-SB-2011.

3. On the basis of statement of complainant – Dharam Singh (Ex.PM), aforementioned case was registered, and accused, i.e. (1) Balbir Singh son of Ranga Singh (dead), (2) Charan Singh son of Ranga Singh, (3) Lakha Singh son of Charan Singh, and (4) Balbir Singh son of Amrik Singh, faced trial.

Without delving into facts of the present case, it would be suffice to refer first two paras of the impugned judgment of conviction, passed by learned Trial Court, wherein prosecution version has been carved out, which says as under:-

“ Allegedly land dispute was the reason due to which the present occurrence took place, for which, the accused mentioned above faced trial under sections 307/326/324/23/382/427/193/120-B/148/149 IPC having been forwarded by the SHO, Police Station Bhikhiwind and committed by the Court of Sh. Ranjit Kumar, Judicial Magistrate Ist Class, Patti.

2. Precisely speaking the facts of the case are that Dharam Singh complainant got recorded his statement Ex. PM before the police that on 1.8.2004, he alongwith his son Harbir Singh had gone to Patti and at about 10.30/10.45 PM, when they were returning to their home and were about two acres away from their house near the tubewell of Sardul Singh, accused Charan Singh armed with kirpan, Balbir Singh son of Ranga Singh armed with a gandasi, Lakha Singh armed with takua and some other unidentified persons armed with dangs and sotas were present. Accused Charan Singh raised a lalkara to catch hold the complainant and to teach them a lesson regarding the case of the land. Accused Balbir Singh son of Ranga Singh immediately forwarded and gave a gandasi blow

*which landed on the right hand of his son Harbir Singh. Then Charan Singh gave a kirpan blow which landed on the right wrist of his son. Lakha Singh gave a takua blow which landed on the left hand wrist of Harbir Singh. Thereafter, Lakha Singh also gave another blow on the forehead of Harbir Singh with his takua. Then Charan Singh gave kirpan blow to Harbir Singh which landed on the right and left side of his chest as well as in the abdomen. Thereafter, un-known persons gave dang and sota blows on the person of Harbir Singh on various parts of the body. When they raised **raula**, Ajit Singh son of Gurdit Singh, whose land is situated near the place of occurrence, came there with .12 bore DBBL rifle, to whom, all the accused gave dang blows and broke away his rifle after snatching the same. Thereafter, the accused ran away from the spot after raising the lalkaras. After arranging the conveyance, injured Harbir Singh was brought to Civil Hospital, Patti, where his condition deteriorated and the doctor referred him to Amritsar. The complainant brought his son Harbir Singh to Amandeep Hospital, Amritsar, at about 4.30 A.M where the doctor conducted his operation and after that he remained in ICU. Reason of the quarrel was the civil case regarding the land. Earlier, FIR was registered under sections 326/324/323/382/193/120-B/427/34 IPC and later on after the opinion of the doctor, the offence was enhanced to section 307 IPC.”*

4. After conclusion of the trial, complete evidence was scanned by learned trial Court and came to the following conclusions:

Sr. No.	Offence punishable under Section	Conclusion of Trial Court
1.		Accused – Balbir Singh son of Ranga Singh expired during trial.
2.		Accused – Balbir Singh son of Amrik Singh was acquitted of all the charges levelled against him.
3.	148/149 IPC	Prosecution failed to prove the allegation. Hence, all the accused stands acquitted.
4.	326, 324, 326/34, 324/34 IPC	Accused – Charan Singh and Lakha Singh were held guilty for causing injuries on the person of Harbir Singh (respondent No. 2).
5.	307 IPC	All the accused were acquitted for this offence

		because there was no specific injury which can be said to be dangerous to life and cannot be attributed to anybody. There was no common object.
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Vide order of sentence dated 25.08.2011, convict – Charan Singh and Lakha Singh (appellants herein) were ordered to undergo following sentence:-

Name of convict/ appellant	Under Section	Sentence	Fine	In Default
Charan Singh	326 IPC	3 years R.I.	Rs. 5,000/-	2 months R.I.
	326/34 IPC	1 year R.I.	Rs. 1,000/-	2 months R.I.
	324 IPC	1 year R.I.	Rs. 1,000/-	2 months R.I.
	324/34 IPC	1 year R.I.	Rs. 1,000/-	2 months R.I.
Lakha Singh	326 IPC	3 years R.I.	Rs. 5,000/-	2 months R.I.
	326/34 IPC	1 year R.I.	Rs. 1,000/-	2 months R.I.
	324 IPC	1 year R.I.	Rs. 1,000/-	2 months R.I.
	324/34 IPC	1 year R.I.	Rs. 1,000/-	2 months R.I.

5. Fine was deposited and on an application filed, vide separate order dated 25.08.2011, learned trial Court granted bail to the convict/appellants Charan Singh and Lakha Singh, till 24.09.2011, enabling them to prefer appeal before this Court. Hence, this appeal.

6. Appeal was admitted and sentence of imprisonment of the appellants was suspended by this Court, vide order dated 19.09.2011.

7. During pendency of the appeal, complainant – Dharam Singh expired on 08.12.2012 and on an application, bearing CRM-31176-2014, filed by the appellants, his son and injured Harbir Singh was impleaded as

respondent No. 2 in the present proceedings, vide order dated 12.01.2015, passed by Co-ordinate Bench of this Court.

The appellants also filed Criminal Miscellaneous Application No. CRM-31177-2014, under Section 482 Cr.P.C., seeking quashing of FIR No. 132, dated 03.08.2004, under Sections 307, 326, 324, 323, 382, 427, 193, 120-B, 148 and 149 IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and subsequent proceedings including the impugned judgment of conviction and order of sentence dated 25.08.2011, passed by learned Trial Court, in view of the compromise & affidavit executed by respondent No. 2 (Annexures P-3 & P-4).

Vide order dated 12.01.2015, the said application was ordered to be heard alongwith the main appeal. Eventually, when the matter came up for hearing on 14.03.2023, following order was passed by this Court:-

“CRM-31177-2014

This application filed by the applicant-appellants under Section 482 Cr.P.C. for seeking quashing of FIR and subsequent proceedings including the impugned judgment of conviction passed by learned Additional Sessions Judge, Tarn Taran, on the basis of compromise and affidavit.

Notice of this application to non-applicants.

Learned State counsel accepts notice on behalf of non-applicant/respondent No.1(State) and Mr. Tarundeep Kumar, Advocate, accepts notice on behalf of non-applicant/respondent No.2.

Counsel for respondent No.2 states that infact dispute has been amicably resolved between the parties and he has no objection if the proceedings, as prayed by applicant-appellants, are quashed.

Accordingly, affected parties are directed to appear on 24.03.2023, before the learned Trial Court/Illaqa Magistrate, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this Court on or before the adjourned date, containing the following information as well:-

- i. Total number of persons arrayed as accused in the case;*
- ii. Whether all the accused and complainant / victims are party to compromise;*
- iii. Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;*
- iv. Stage of the trial/proceedings; and*
- v. Whether the compromise is genuine, voluntary, and with-out any coercion or undue influence.*

For awaiting report, to come up on 10.04.2023.

Reply by the respondent-State, if any, be filed on or before the next date of hearing.

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Adjourned to 10.04.2023.”

8. In compliance of the said order respective parties, i.e. Charan Singh son of Ranga Singh & Lakha Singh (appellants) and Harbir Singh (injured-respondent No. 2), did appear before learned Judicial Magistrate Ist Class, Patti, on 24.03.2023 and got recorded their respective statements.

9. Learned Magistrate by recording his satisfaction, prepared a detailed report, in compliance of the order dated 14.03.2023, and forwarded

the report vide Memo. No. 169, dated 03.04.2023. Relevant portion of the said report reads as under:-

*“ The FIR no. 132 dated 03.08.2004 under Sections 307, 326, 324, 323, 382, 427, 193, 120-B, 148, 149 of IPC registered at Police Station Bhikhiwind, Tarn Taran against accused (1) Balbir Singh son of Ranga Singh (now died), (2) Charan Singh son of Ranga Singh (3) Lakha Singh son of Charan Singh & (4) Balbir Singh son of Amrik Singh on the statement of complainant Dharam Singh (now died). Both the petitioners and respondent no. 2 appeared before this Court and suffered statements that on account of intervention with the respectable persons, the matter has been compromised to the satisfaction and stated that they have no objection, if the above said FIR be quashed by the Hon’ble Punjab & Haryana High Court, Chandigarh. The respondent no. 2 Harbir Singh son of **complainant** Dharam Singh deposed that he has compromised the matter out of his own sweet will without any pressure. Similarly, the statement of accused/petitioners have also been recorded.*

From the statements of both the parties it comes to my knowledge that parties have compromised the matter without any pressure or undue influence. Moreover, the respondent no. 2 & petitioners stated that they have compromised the matter with their free Will and without any undue influence and pressure or coercion. My point wise report is as follow:-

- I. As per statement of Investigating Officer, in the present FIR total four persons namely (1) Balbir Singh son of Ranga Singh, (2) Charan Singh son of Ranga Singh (3) Lakha Singh son of Charan Singh & (4) Balbir Singh son of Amrik Singh arrayed as an accused;*
- II. Accused Charan Singh, Lakha Singh and son of complainant namely Harbir Singh are party to the compromise;*
- III. As per statement of Investigating Officer, neither accused has been declared proclaimed offender nor any such proceedings have been declared proclaimed offender nor any such proceedings have been initiated or pending*

decision in the present case;

IV. *As per statement of petitioners, the trial is pending in the Hon'ble Court;*

V. *In view of the statement recorded by the parties, the compromise seems to be genuine, voluntary and without any coercion or undue influence."*

10. From a bare perusal of the said report it is evident that both the parties appeared before learned Magistrate and supported compromise dated 22.08.2014 (Annexure P-3). Learned Magistrate also recorded his satisfaction that *".....parties have compromised the matter without any pressure or undue influence. Moreover, the respondent no. 2 & petitioners stated that they have compromised the matter with their free Will and without any undue influence and pressure or coercion."* Furthermore, injured/respondent No. 2 – Harbir Singh, in his statement before learned Judicial Magistrate, stated as under:-

"Statement of respondent no. 2 Harbir Singh son of Dharam Singh resident of village Akbarpura, Tehsil Patti, District Tarn Taran.

On SA.

Stated that the present FIR no. 132 dated 03.08.2004 under Sections 307, 326, 324, 323, 382, 427, 193, 120-B, 148, 149 of IPC registered at Police Station Bhikhiwind on the statement of my father Dharam Singh son of Bachitter Singh (since died). Now, I have compromised the matter with accused persons through the intervention of the respectables. The compromise is genuine, voluntary and without any coercion or undue influence. I have no objection, if the present FIR be quashed on the basis of compromise. Copy of my Adhar card is Mark-A." (emphasis added)

11. This is how, the matter has been taken up for its final conclusion.

12. Learned counsel for the appellants submits that respondent No. 2 has no desire to make the appellants undergo sentence. Placing reliance on the judgments of Hon'ble the Supreme Court rendered in the cases of Narinder Singh and others v. State of Punjab and another, (2014) 6 SCC 466; and Ramgopal and another v. The State of Madhya Pradesh, 2021 SCC Online SC 834; a Full Bench judgment of this Court in the case of Kulwinder Singh v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052; a Division Bench judgment of this Court in the case of Sube Singh and another v. State of Haryana and another, 2013 (4) RCR (Criminal) 102; and a recent judgment passed by this Court in the case of Lakhbir Singh v. State of Punjab and another (CRA-S-2065-SB-2007, decided on 14.02.2023 : Law Finder Doc ID #2138925), learned counsel for the appellants argued that law is well settled in regard to compounding of offences/quashing of FIR even after conviction, during proceedings of the appeal against conviction pending in High Court/Sessions Court and even in cases involving non-compoundable offences.

13. Learned counsel for respondent No. 2 has joined hands with the appellants and submits that he has instructions to state that if FIR No. 132, dated 03.08.2004, registered at Police Station Bhikhiwind, and all the subsequent proceedings emanating therefrom are quashed in terms of compromise dated 22.08.2014 and the appellants are acquitted/discharged by

this Court, respondent No. 2 will have no objection.

14. Learned State counsel after going through the statements and the report received from learned Court below, very fairly admits that the matter has been compromised. However, learned State counsel objects the prayer of the appellants for quashing of FIR and consequential proceedings as also acquittal/discharge of the appellants on the basis of compromise dated 22.08.2014, entered into between the appellants and respondent No. 2, by submitting that prosecution has been able to prove that grievous injuries on the person of respondent No. 2 were caused by the appellants, for which they have been convicted by the Trial Court by passing a reasoned order in the present case. Thus, in a matter where grievous hurt is caused, no concession can be extended to the convict persons by quashing of FIR or compounding of offences on the basis of compromise.

15. I have heard learned counsel for the parties and with their able assistance gone through the record.

16. Issue involved in the present case is that once matter has been considered after appreciation of evidence by the learned Trial Court and appeal against the same is pending before Appellate Court, whether proceedings can be quashed/compounded/finished on the basis of compromise amongst all the parties to *lis*.

17. The matter is no longer *res integra*. Hon'ble the Supreme Court in **Narinder Singh's case (supra)** has considered in detail the issue in hand as also inherent power of High Court under Section 482 Cr.P.C. to quash

criminal proceedings involving non-compoundable offences in view of compromise/settlement arrived at between the parties. In the said case, FIR was registered under Sections 307, 324, 323 and 34 IPC. A petition under Section 482 Cr.P.C. was filed before this Court seeking quashing of FIR on the basis of compromise entered into between the petitioners who were the accused in the FIR and the complainant. This Court refused to exercise its extraordinary discretion invoking the provisions of Section 482 Cr.P.C. on the ground that four injuries were suffered by the complainant and as per the opinion of the doctor, Injury 3 was serious in nature.

18. After detailed discussion, in paragraph No. 29 of the judgment in **Narinder Singh's case (supra)**, Hon'ble the Supreme Court laid down certain principles/guidelines for the High Court so as to give adequate treatment to the settlement between the parties while exercising power under Section 482 Cr.P.C., while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Para 29 and 29.1 of the said judgment, being relevant, are reproduced as under:-

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No

doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.”

19. In relation to cases involving the offence punishable under Section 307 IPC, in para No. 29.6 of the judgment, Hon’ble the Apex Court has held as under:-

29.6 Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship. (emphasis added)

20. In the case in hand, initially FIR was lodged under Sections 326, 324, 323, 382, 193, 120-B, 427 and 34 IPC. Later on, after the opinion of the doctor, the offence was enhanced and Section 307 IPC was added. As already noticed above, after analyzing the evidence, learned Trial Court

came to the conclusion (in para 42 of the impugned judgment of conviction) that ingredients constituting an offence under Section 307 IPC are completely missing in the present case, therefore, all the accused stand acquitted for the said offence. Relevant extract of para No. 42 of the impugned judgment of conviction, passed by learned Trial Court says as under:-

“42. So far as the offence under section 307 IPC is concerned, regarding that, it can be said that there is no specific injury which can be said to be dangerous to life so it cannot be attributed to anybody and hence as the common object is not there and so from the offence under section 307 IPC, all the accused stands acquitted.”

Both the appellants, i.e. Charan Singh and Lakha Singh were convicted and sentenced for the offences punishable under Sections 326, 326/34, 324, and 324/34 IPC only and acquitted under other charges framed against them. Co-accused – Balbir Singh son of Amrik Singh was acquitted of all the charges framed against him, whereas co-accused Balbir Singh son of Ranga Singh died during trial. Furthermore, no appeal has been preferred by the State against the findings recorded by learned Trial Court.

21. In **Narinder Singh’s case (supra)**, their Lordships’ of Hon’ble the Supreme Court also discussed the scope of Section 320 Cr.P.C. vis-a-vis powers of High Court in exercise of Section 482 Cr.P.C. and came to the conclusion that Section 320 Cr.P.C. deals with only “compoundable offences” within the statutory frame work and the extraordinary power is enjoyed upon a High Court under Section 482 Cr.P.C. In other words,

powers under Section 482 Cr.P.C. are of larger scope than Section 320 Cr.P.C.

22. In the case of **Ramgopal and another (supra)**, Hon'ble the Supreme Court has dealt with a situation where appeal under Sections 294, 323 and 326 read with 34 of IPC and Section 3 of the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989, was pending and the concerned parties entered into compromise during pendency of such appeal. In para 13 of the judgment, Hon'ble the Supreme Court has made the following observations:

*“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 extra-ordinary 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).**”*

23. From a bare perusal of the above, it is evident that broadly it

was concluded by their Lordships' that touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice and that 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.

24. Thus, it can be safely concluded that where offences are non-heinous or where the offences are pre-dominantly of a private nature, they can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction.

25. It has further been held in **Ramgopal's case (supra)** that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of the Hon'ble Supreme Court is extracted as under:-

"19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. 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. 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. 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.”

26. The Full Bench of this Court in the matter of **Kulwinder Singh (supra)** has made the following observations:

“(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice”.

(29) In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

(32) The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by

exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”*

27. After considering the aforementioned position of law as enumerated from the interpretation made by Hon’ble the Supreme Court, Full Bench of this Court and in totality of circumstances that compromise dated 22.08.2014 between the parties has already been entered, nothing can

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be achieved by hearing the appeal on merits.

28. The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2 has genuinely effected compromise dated 22.08.2014 with the appellants and he has no objection, if the appellants are acquitted/discharged.

29. In view of above discussion, Criminal Miscellaneous Application No. CRM-31177-2014 is allowed. Consequently, FIR No. 132, dated 03.08.2004, under Sections 307, 326, 324, 323, 382, 427, 193, 120-B, 148 and 149 IPC, registered at Police Station Bhikhiwind, alongwith all consequential proceedings including impugned judgment of conviction and order of sentence, dated 25.08.2011, passed by learned Additional Sessions Judge, Tarn Taran, are quashed, on the basis of compromise dated 22.08.2014 (Annexure P-3), entered into between the appellants and respondent No. 2.

30. Criminal Appeal No. CRA-S-2331-SB-2011 and Criminal Miscellaneous Application No. CRM-31177-2014 are also disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

April 10, 2023

Pk Kapoor

Whether Speaking/Reasoned: YES/NO

Whether Reportable: YES/NO