

CRA-S-2040-SB-2013 (O&M)

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104-a **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRA-S-2040-SB-2013 (O&M)
DATE OF DECISION:-19.05.2023**

Laddi @ Yadwinder Singh and others

...Appellants..

Vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Rangi, Advocate,
Ms. Sukhan Rangi, Advocate and
Mr. Zorawar Singh, Advocate,
for the appellants.

Mr. Tarun Aggarwal, Sr.DAG, Punjab.

Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

CRM-19865-2023

This is an application for listing the main appeal for actual date of hearing.

Notice of the application.

Mr. Tarun Aggarwal, Sr. DAG, Punjab and Mr. H.S. Randhawa, Advocate accept notice on behalf of respondent No.1 and respondent No.2 respectively and raise no objection.

In view of the averments made in the application, the prayer made herein is allowed and main appeal is taken up for hearing today itself.

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CRM-19866-2023

Prayer in this application is for impleading the complainant, namely Suresh Pal as respondent No.2.

Notice of the application.

Mr. Tarun Aggarwal, Sr. DAG, Punjab and Mr. H.S. Randhawa, Advocate accept notice on behalf of respondent No.1 and respondent No.2 respectively and raise no objection.

For the reasons mentioned in the application which is supported by an affidavit, same is allowed and complainant-Suresh Pal, is ordered to be impleaded as respondent No.2.

CRM-19867-2023

Prayer in this application is for placing on record compromise dated 06.03.2023 as (Annexure P-1) and amended memo of parties.

Application is allowed as prayed for. Compromise dated 06.03.2023 (Annexure P-1) and amended memo of parties are taken on record.

Main case

1. By way of present appeal, challenge has been laid to the judgment of conviction and order of sentence dated 28.05.2013 passed by the Court of Additional Sessions Judge, Patiala, whereby appellants were convicted and sentenced as under:-

(i). Yadwinder Singh @ Laddi

<i>Offence U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
326/34 IPC	Two and half years	Rs.1500	RI for three months
325/34 IPC	One and half year	Rs.1000	RI for two months
324/34 IPC	One year	Rs.1000	RI for two months

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323 IPC	Six months	Rs.500	RI for one month
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(ii). Jatinder Singh @ Shunty

<i>Offence U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
326/34 IPC	Two and half years	Rs.1500	RI for three months
325/34 IPC	One and half year	Rs.1000	RI for two months
324 IPC	One year	Rs.1000	RI for two months
323 IPC	Six months	Rs.500	RI for one month

(iii). Jaswinder Singh @ Kaka

<i>Offence U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
326/34 IPC	Two and half years	Rs.1500	RI for three months
325 IPC	One and half year	Rs.1000	RI for two months
324/34 IPC	One year	Rs.1000	RI for two months
323 IPC	Six months	Rs.500	RI for one month

(iv). Gurdarshan Singh @ Goldy

<i>Offence U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
326 IPC	Two and half years	Rs.1500	RI for three months
325/34 IPC	One and half year	Rs.1000	RI for two months
324/34 IPC	One year	Rs.1000	RI for two months
323 IPC	Six months	Rs.500	RI for one month

5. Harwinder Singh

<i>Offence U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
323 IPC	6 months	Rs.500	RI for one month

2. In the present case, appellants were arrayed as accused in FIR No.518 dated 01.11.2017, under Sections 326, 325, 324, 323, 34 IPC, Police Station Sadar Patiala, got registered at the instance of complainant-respondent No.2 (Suresh Pal) with the allegations that they gave multiple injuries to the complainant-injured.

2. The present appeal was admitted by this Court vide order dated 06.06.2013 whereas the sentence of the appellants was suspended later, vide order dated 28.06.2013

3. During pendency of the present appeal, with the intervention of the elders and respectables of the area, appellants and complainant-respondent No.2(injured) have entered into settlement dated 06.03.2023, which has been reduced into writing and placed on record as Annexure A-1 vide CRM-19867-2023, and the same has even been signed by appellants as well as respondent No.2. The factum of aforesaid settlement has not been disputed by learned counsel for respondents No.2.

4. By virtue of aforesaid settlement, the parties intend to bury their differences and render complete quietus to their long drawn litigation. Reliance in this regard can be placed upon the law laid down in "***Ramgopal and another vs. State of Madhya Pradesh***", **2021 (4) (RCR) Criminal 322**, wherein, the Hon'ble Supreme Court has very categorically held that this Court in exercise of power under Section 482 Cr.P.C. can even quash the FIR post conviction once the parties have settled their difference and intend to bury their litigation considering the future of their generation to come.

Relevant paras 13 and 19 are reproduced hereunder:-

"13. It appears to us that criminal proceedings involving non-heinous 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. 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. and Laxmi Narayan (Supra).

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19. *We thus sumup 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

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*and the victim; &
(iv) Conduct of the accused persons, prior to and after
the occurrence of the purported offence and/or other
relevant considerations.”*

5. Thus, in view of the above, considering the nature of offences, besides even for the purpose of maintaining peace among the parties and their generations to come as well as keeping in mind the law laid down in the aforementioned judgment, the appeal is allowed. Consequently, FIR No.518 dated 01.11.2017, under Sections 326, 325, 324, 323, 34 IPC, Police Station Sadar Patiala and judgment/order dated 28.05.2013 passed by learned Additional Sessions Judge, Patiala as well as all the subsequent proceedings arising therefrom are hereby quashed qua the appellants and they shall be deemed to have been acquitted of the charged offences for all intents and purposes.

6. The aforesaid order shall, however, be subject to payment of costs of Rs.50,000/- to be deposited with the Punjab and Haryana High Court Bar Association, within a period of four weeks from today.

19.05.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No