

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRA-S-3381-SB-2016 (O&M)

Date of Decision: 01.08.2023

Samay Singh

...Appellant

Versus

State of Haryana and another

...Respondents

2. CRA-S-3467-SB-2016 (O&M)

Major Singh and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Shikhar Kataria, Advocate,
for Mr. Pratap Singh, Advocate,
for the applicant-appellant in CRA-S-3381-SB-2016.

Mr. Sagar Aggarwal, Advocate
for the appellant in CRA-S-3467-SB-2016 and
for the complainant in CRA-S-3381-SB-2016.

Mr. Deepak Grewal, DAG, Haryana.

RITU TAGORE, J (ORAL)

1. Above captioned appeals, are proposed to be disposed of by way of this common judgment as they have emanated from the same judgment of conviction and order of sentence dated 15.09.2016, passed in Criminal Appeal No. 100080 of 2014 and Criminal Appeal No. 81 of 2014 by Additional Sessions Judge, Kurukshetra.

2. Brief facts of Criminal Appeal-S-3381-SB of 2016 filed by appellant Samay Singh are as under:-

On 13.07.2006, complainant-Major Singh made a statement to the police, alleging that on 01.07.2006 at about 3.00 P.M., he had come on the metalled road after paying his respect at Peer Baba, when he was assaulted by Samay Singh, his brother Jaswinder and Pardeep, who wielded weapons such as cutter, a club (danda) and a small stick. Karam Singh, Rohtash and Parlad also came in support of Samay Singh and gave him injuries with 'lathis' and 'dandas'. On raising the alarm by Major Singh, Sultan Singh and other passersby came and rescued him. Before leaving the spot, they threatened to kill him on getting an opportunity. It was alleged that Samay Singh bore a grudge against the complainant regarding a dispute which had taken place about a one and a half month, prior.

On the basis of the complaint, FIR No.240 dated 13.07.2006 under Sections 323, 324, 506 of IPC at P.S. Shahabad was registered and investigation ensued. On completion of the investigation, Challan was filed. Accordingly, Samay Singh was tried for commission of offences punishable under Sections 323, 324 and 506 IPC. The trial Court, on analyzing the evidence, gave benefit of doubt to accused Samay Singh by holding that prosecution failed to prove the guilt beyond reasonable doubt and acquitted him of the charges vide judgment dated 31.03.2014.

3. Facts of Criminal Appeal-S-3467-SB of 2016 filed by Major Singh and others are as under:-

Complainant-Samay Singh made a statement to police that on 11.07.2006 at 2:30 PM, when he was going on his motorcycle to village Bibipur, the accused Ram Sarup, Jarnail Singh, Guddu, Sukhdev Singh, Suraj Bhan, Hem Raj, Angrej Singh, Major Singh and Sultan Singh in furtherance of their common intention armed with weapons, 'lathis',

‘gandasi’ and swords, attacked upon him for not casting vote for them. On his raising an alarm, Balwinder Singh came at the spot and on seeing him, accused ran away from the spot along with their respective weapons. On the basis of the aforesaid complaint, FIR No.67 dated 12.07.2005 under Sections 323, 324, 326, 506, 34 of IPC was registered at P.S. Jhansa that led to start of investigation. On completion of the investigation, Challan was filed against Major Singh and Sultan Singh under Sections 323, 324, 326, 506 and 34 IPC. Other accused Ram Sarup, Jarnail Singh, Guddu, Sukhdev Singh, Suraj Bhan, Hem Raj and Angrej Singh were summoned under Section 319 Cr.P.C. Hem Raj was later on declared as proclaimed person vide order dated 21.10.2013 (as per note given in the judgment of the trial Court). On appraisal of evidence, trial Court convicted the accused, namely, Ram Sarup, Major Singh and Jarnail Singh for commission of offences punishable under Sections 323 and 324 IPC and acquitted all the remaining accused from the charges, so framed against them and released the convicts on probation for good conduct and behaviour for a period of one year under the supervision of District Probation Officer.

4. The complainant-Samay Singh and the State filed the appeals against the judgment dated 31.03.2014 passed in Criminal Case No.250 of 2013 and in Criminal Case No.260 of 2013. Learned Additional Sessions Judge, on appraisal of the evidence, reversed the findings and held accused-Samay Singh guilty of commission of offence punishable under Sections 323 and 324 IPC by allowing the appeal and convicted and sentenced him as under:

Sr. No.	Offence committed	Punishment	Fine
1.	323 IPC	To undergo RI for a period of one year	Rs.1,000/- in default of payment of fine, to further undergo simple imprisonment for a period of one month
2.	324 IPC	To undergo RI for a period of three years	Rs.1,000/- in default of payment of fine, to further undergo simple imprisonment for a period of one month

Also, held all the eight appellant-accused Major Singh, Jarnail Singh, Ram Sarup, Suraj Bhan, Angrej Singh, Sultan Singh, Dharambir (now deceased) and Sukhdev Singh, guilty of commission of offences punishable under Sections 323, 324, 325, 326, 148, 149 IPC and convicted and sentenced them as under:

Sr. No.	Offence committed	Punishment	Fine
1.	148 IPC	To undergo RI for a period of three years	Rs.1,000/- in default of payment of fine, to further undergo simple imprisonment for a period of one month
2.	323 IPC read with Section 149 IPC	To undergo RI for a period of one year	Rs.1,000/- in default of payment of fine, to further undergo simple imprisonment for a period of one month
3.	324 IPC read with Section 149 IPC	To undergo RI for a period of three years	Rs.1,000/- in default of payment of fine, to further undergo simple imprisonment for a period of one month
4.	325 IPC read with Section 149 IPC	To undergo RI for a period of three years	Rs.1,000/- in default of payment of fine, to further undergo simple imprisonment for a period of one month
5.	326 IPC read with Section 149 IPC	To undergo RI for a period of five years	Rs.5,000/- in default of payment of fine, to further undergo simple imprisonment for a period of two months

5. During pendency of the appeals before this Court, compromise was effected between the parties and accordingly, appellants filed the applications under Section 482, Cr.P.C. bearing CRM No.35015 of 2022 and CRM No.32727 of 2022, respectively, in both the appeals and requested for placing on record the compromise dated 30.08.2018 as Annexure A-1. In both the appeals, order dated 10.04.2023 was passed by observing that the parties are *ad idem* that a compromise has taken place between them. They were accordingly directed to appear before the learned Chief Judicial Magistrate/ Duty Judicial Magistrate for getting their statements recorded. Learned Magistrate was further directed to send the report to this Court with his opinion regarding the genuineness of the compromise between the parties.

6. Reports of learned Chief Judicial Magistrate, Kurukshetra dated 10.05.2023 are on record in both the appeals. As per the reports, the parties, namely, the complainant-injured (Major Singh and Samay Singh) and other accused (Jarnail Singh, Suraj Bhan, Angrej Singh, Sultan Singh, Ram Sarup and Sukhdev Singh), appeared before the learned Chief Judicial Magistrate, Kurukshetra, who have been identified by their counsel, recorded their joint statements before the Learned Magistrate to the effect that they have compromised the matter voluntarily without any pressure or coercion. They have no grudge against each other anymore. It is also recorded that accused, namely, Dharambir has expired and placed his death certificate on record as Mark-A. Learned Chief Judicial Magistrate also recorded his satisfaction regarding the genuineness of the compromise arrived at between the parties.

7. I have heard learned counsel for the parties and the State counsel.

8. The learned counsel for the parties have admitted the fact of the compromise having been arrived at between the parties and report of learned Chief Judicial Magistrate, Kurukshetra prepared on the basis of the compromise. The State counsel submits submission of report by the learned Chief Judicial Magistrate, Kurukshetra along with his satisfaction regarding the bonafide of compromise between the parties is a matter of record.

9. In present case, conviction rendered in some of the offences punishable under Sections 324, 326, 148 are not compoundable and other offences punishable under Sections 323 and 325 IPC read with Section 149 IPC are compoundable under Section 320 of the Code of Criminal Procedure, 1973 (referred to the Code). However, in the facts and circumstances peculiar to this case, the prosecution qua non-compoundable offences can be closed by quashing the FIR and consequent proceedings, when victim has willingly consented to the nullification of the proceedings on account of having arrived at compromise. Recognition of compromise would foster their relations and bring harmony in their society. Rather, rejection of compromise may lead to ill will and further pendency of criminal proceedings may affect career and happiness. In given facts, incidents in question do not affect public peace or tranquility, moral turpitude or harm the society or moral fabric or involve matters concerning public policy. In this regard, gainful reference can be made to judicial decisions.

10. In '*Ram Prasad and Another v. State of Uttar Pradesh*' **1982(2) SCC 149**, Hon'ble Supreme Court converted the conviction from

307 IPC to 324 IPC and after that based on compromise, accepted the compounding of offence under section 324 IPC and acquitted the appellants.

11. In '*Mohd. Rafi v. State of U.P.*' 1998(2) RCR (Criminal) 455, the convict had gone to Hon'ble Supreme Court against his conviction by the trial Court under Sections 323 and 325 of IPC, which was upheld by Sessions and High Court. After that, the convict and the victim entered into an out-of-court compromise. Hon'ble Supreme Court analyzed the parties' affidavits filed in support of the compromise and observed that parties had willingly and voluntarily settled the matter. To maintain good relations, Hon'ble Supreme Court granted permission to them to compound the said offenses and order the acquittal.

12. In '*M.D. Balal Mian and another v. State of Bihar and another*' AIR 2001 (SCW) 5190, out of three convicts, one was convicted under Section 376 IPC and the other two were convicted only under Sections 325 & 323 of IPC. After the High Court confirmed the conviction and sentence, all three convicts approached Hon'ble Supreme Court. Although Hon'ble Supreme Court did not find any scope for granting special leave by the convict challenging his conviction under Section 376 IPC, however, granted the other permission to the other two convicts to compound the offences and acquitted both of the accused under Section 320(8) of the Criminal Procedure Code.

13. In '*K. Kandasamy v. K.P.M.V.P. Chandrasekaran*' (2005) 4 SCC 349, based on the compromise, Hon'ble the Supreme Court acquitted the appellants/convicts of the offence under Section 500 Indian Penal Code.

14. In '*Khursheed and another v. State of U.P. and another*' 2007(12) SCC 68, the appellants were convicted by Trial Court under

Sections 325, 323 read with 34 IPC. Their appeal against conviction was dismissed by the Sessions Court and revision petition was also dismissed by High Court. The convicts approached the Apex Court and Hon'ble Supreme Court held-

“[12]. An offence of causing grievous hurt punishable under Section 325 IPC is covered by sub-section (2) of Section 320 of the Code. It is thus clear that an offence punishable under Section 325 IPC is also compounded with the permission of the Court.

[13]. The parties have compounded the offences. As stated in the compromise deed, Gurfan Ahmad, complainant and his mother Kulsoom @ Bhoori (injured) did not want any action against the appellants (accused). The parties are neighbours, their houses are situated adjacent to each other and they have been living peacefully for last many years and there is no dispute among them. It is further stated that to continue sweet relationship and harmony, complainant side does not want to take any action against the accused. A prayer is, therefore, made to accept the compromise.

[14]. On the facts and in the circumstances of the case, and considering the Deed of Compromise and having heard learned counsel for the parties, in our opinion, ends of justice would be met if we grant necessary permission for compounding an offence punishable under Section 325 read with Section 34 IPC as required by sub-section (2) of Section 320 of the Code. The offence punishable under Section 323 IPC has already been compounded by the parties.

[15]. Sub-section (8) of Section 320 states that the compounding of offence under the section shall have an effect of acquittal of the accused with whom the offence has been compounded. The resultant effect of compounding of offences would be that the accused

should be acquitted. In other words, once the offences have been compounded and the requisite permission is granted by the Court, the accused must be acquitted.”

15. In **‘Manoj & Another v. State of Madhya Pradesh’ 2008(4) R.C.R. (Criminal) 552**, Hon’ble Supreme Court, based on compromise, accepted the compounding of the offence under section 324 IPC and acquitted the appellants.

16. In **‘Md. Abdul Sufan Laskar and others v. State of Assam’ (2008) 9 SCC 333**, based on a compromise, Hon’ble Supreme Court set aside the conviction and sentence under section 324 IPC. Hon’ble Supreme Court took similar views in **‘Mathura Singh v. State of U.P.’ 2009(13) SCC 420** and in **‘Gampa Govindu v. State of Andhra Pradesh thr. Public Prosecutor’ 2008 (sup) Cri. L.R. (SC) 440**.

17. In **Gampa Govindu (supra)**, Hon’ble Supreme Court held as under:-

“[3]. The Trial Court convicted the sole appellant under Section 326 of the Indian Penal Code [hereinafter referred to as "I.P.C."] and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rupees one thousand; in default, to undergo further simple imprisonment for a period of one month. On appeal being preferred, the Sessions Court confirmed the conviction and sentence. When the matter was taken to the High Court in revision, the conviction and sentence under Section 326 I.P.C. have been set aside and the appellant has been convicted under Section 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. Before this Court, a joint petition of compromise has been filed wherein it has been stated that the parties have settled their disputes; as

such, they be permitted to compound the offence. In our view, the prayer is just and must be granted. Accordingly, the criminal appeal is allowed and the conviction and sentence awarded against the appellant are set aside, in view of the compounding.”

18. In **‘Hirabhai Jhaverbhai v. State of Gujarat and others’ (2010) 6 SCC 688**, permitting the parties to compromise the conviction under section 324 IPC, Hon’ble Supreme Court held, “The injured complainant and two other injured are permitted to compound the offence punishable under Section 324 Indian Penal Code. In view of sub-section (8) of Section 320 of the Code of Criminal Procedure, the composition of offence under Section 324 Indian Penal Code shall have the effect of an acquittal of the appellant with whom the offence has been compounded.”

19. In **‘Dasan v. State of Kerala and another’ (2014) 12 SCC 666**, the Hon’ble Supreme Court converted the conviction from Section 326 IPC to Section 325 IPC and, based on compromise, accepted the compounding of the offence under Section 325 IPC and acquitted the appellant.

20. In **‘Padmalayan v. Sarasan’ (2014) 13 SCC 798**, Hon’ble Supreme Court permitted post-conviction compromise for offence under Section 324 IPC.

21. In **‘Sathiyamoorthy v. State’ 2014(3) RCR (Criminal) 867**, after observing that after the compromise they have been staying peacefully in the village. Hon’ble Supreme Court holds-

“[6]. Offences under Sections 341 and 325 are compoundable. In view of the settlement they can be permitted to be compounded. However, offences under Sections 148 and 149 of the IPC are not compoundable. Hence, permission to compound them cannot be granted.

However, since the accused and the victim have entered into a compromise, we feel that it would be in the interest of both sides to reduce the sentence awarded to the accused under Sections 325 and 341 of the IPC to the sentence already undergone.

*[7]. In **Ram Lal and anr. v. State of J & K, 2000(1) RCR (Criminal) 92 : (1999)2 SCC 213** the accused were convicted for offence under Section 326 of the IPC, which is non-compoundable. Looking to the fact that the parties had arrived at a settlement and victim had no grievance, this Court reduced the sentence for the offence under Section 326 to sentence already undergone by the appellants-accused. We are inclined to follow similar course.*

8. In the result, the appeal is partly allowed. The offences under Sections 341 and 325 of the IPC, for which the appellants are convicted, are permitted to be compounded because they are compoundable. The appellants are acquitted of the said offences. The appellants are stated to have undergone more than six months imprisonment. So far as offences under Sections 148 and 149 of the IPC are concerned, the conviction of the appellants for the said offences is reduced to the sentence already undergone by them subject to the appellants paying Rs. 30,000/- as compensation to victim-Murugesan. Compensation be paid within three months from the date of this judgment.”

22. In ‘**Shankar Yadav v. State of Chhattisgarh’ 2017(4) R.C.R. (Criminal) 50**, Hon’ble Supreme Court while permitting post-conviction compromise, by holding the offence to fall under Section 324 IPC, held-

“[8]. Having regard to the facts and circumstances of the case, we see no reasons to refuse permission to the parties who have compromised the offences which were

compoundable under the Code as it stood in 1998. If it is so, compounding can be permitted and the appellants accused can be acquitted in view of Section 320 (8) of the Cr.P.C., which expressly enacts that where the composition of an offence under this section is recorded by the Court, it shall have effect of an acquittal of the accused with whom the offence has been compounded. We order accordingly.”

23. This Court has inherent power under Section 482 of the Code to interfere in this kind of matter.

24. In ***Kulwinder Singh vs. State of Punjab, 2007(3) R.C.R. (Criminal) 1052***, Five Judges Bench of this Court observed that High Court has power to quash the prosecution to secure ends of justice. 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 Criminal Procedure Code. 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. The compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code 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 Criminal Procedure Code 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.

25. In *Gian Singh Vs. State of Punjab, (2012) 10 SCC 303*,

Hon'ble the Supreme Court laid down the following principles:-

“61. ...the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences

arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

26. In **‘Ram Gopal and another vs The State of Madhya Pradesh’, 2021 (4) R.C.R. (Criminal) 322**, Hon’ble the Supreme Court, rephrasing the scope of powers exercisable by a High Court under Section 482 Of the Code observed that -

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320

Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of 'compoundable' offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

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 extra-ordinary 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 v. State of Punjab and Laxmi Narayan (Supra).

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

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 extra-ordinary 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.”

27. After weighing upon peculiar facts and circumstances of the two appeals before me, I am of the considered opinion that continuation of the criminal proceedings between the parties will not serve any fruitful purpose whatsoever. Both the injured had sustained injuries in the incident; the parties belong to the same village and have voluntarily entered into the compromise after reconciling their differences, and wish to accord a quietus to their dispute(s) and now they intend to live happily in the village for the times to come. Furthermore, occurrence took place way back in 2006 and there is nothing on record to evince that after the incident and particularly after the compromise, any untoward incident has happened between the parties. There is nothing on record to prima facie show that parties are unscrupulous or professional offenders. The nature of injuries incurred, for which appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest. Thus, in hue of these peculiar circumstances, continuation of criminal proceedings will not advance the

reformatory purpose of jurisprudence just for the sake of deterrence. The compromise in question seems to be *bona fide* and would certainly promote peace and harmony amongst the families.

28. In the present case, some of the offences punishable under Sections 323 and 325 are compoundable as per Section 320 Cr.P.C. of the Code, whereas, other offences punishable under Sections 324, 326, 148 IPC read with Section 149 IPC are not compoundable. However, in the given facts of the case as detailed above, the prosecution qua non-compoundable offences can be closed by quashing the FIR and consequent proceedings by exercising the extraordinary power enjoined upon this Court under Section 482 Cr.P.C., so that harmony, peace and fellowship may prevail amongst the parties, who have decided to forget and forgive any ill-will against each other.

29. In '*Parambir Singh Gill vs Malkiat Kaur*', 2010(1) R.C.R. (Criminal) 256 and '*Sunil Tomar vs State of NCT of Delhi*', 2022(2) Cri.CC 179, partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter was allowed and recognized. In *Lovely Salhotra and another vs State, NCT of Delhi* (2018) 12 SCC 391, it was observed and held as under:-

“3. We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants - herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 - herein only on the ground that the investigation against co-

accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie.

6. Accordingly, we set aside the said order of the High Court and quash the F.I.R. qua the appellants - herein.”

30 In view of the above reasoning and considering the entire facts of the case, the above captioned judgments of conviction, sentence, FIR, charge are, hereby quashed qua the appellants Samay Singh, Major Singh, Jarnail Singh, Suraj Bhan, Angrej Singh, Sultan Singh, Dharambir (since deceased), Sukhdev Singh and Ram Sarup alone except Hemraj (who has been declared as proclaimed person vide trial Court order dated 21.10.2013). However, the fine amount is forfeited to the State as cost incurred by it. The bail bonds of the appellants are accordingly discharged.

31. Appeals are disposed of accordingly. All pending applications preferred by appellants, if any, stand disposed of. Copy of this judgment be sent to the learned trial Court for necessary information.

32. Photocopy of this order be placed on the connected case file numbered above.

(RITU TAGORE)
JUDGE

01.08.2023
Rimpal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No