

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

**CRM-M-6532-2020 (O&M)**  
**Date of Decision: March 16, 2023**

*Sulakhan Singh @Happy and others* .... *Petitioners*

Versus

State of Punjab and another .... *Respondents*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Amandeep Singh Saini, Advocate,  
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

None for the respondent no.2.

**Vivek Puri, J.**

**CRM-10128-2023**

This is an application for placing on record the amended petition.

By recording no objection from the counsel opposite, the same is taken on record. Registry is directed to annex the same at the appropriate place.

The instant applicant stands disposed of.

**CRM-M-6532-2020**

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.') invoking its inherent jurisdiction for quashing of F.I.R. No. 23, dated 15.03.2016, registered under Sections 324, 34 of the Indian Penal Code

(for short 'IPC') (Section 326 IPC added later on), at Police Station Badhni Kalan, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise dated 03.08.2019 (Annexure P-2), as well as, order dated 09.10.2018 passed by the Court of learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, vide which the petitioners have been convicted and sentenced.

Briefly, the allegations against the petitioners are to the effect that on 13.03.2016 at about 8 AM, the respondent no.2 was present at his shop. Meanwhile, the petitioner no.1 empty handed, petitioner no.2 armed with sword and petitioner no.3 armed with khanda arrived at the spot. The petitioner no.1 exhorted the other petitioners and the injuries were inflicted on the person of the respondent no.2.

Learned counsel for the petitioners contend that the dispute has been amicably settled in terms of the compromise (Annexure P-2). At the earlier instance, petitioners have been convicted for the offence punishable under Sections 326, 324 read with 34 IPC in terms of judgment dated 09.10.2018. The petitioners have preferred an appeal against the said judgment and the same is pending in the Court of learned Additional Sessions Judge, Moga. The injured has not suffered any disability, much-less

permanent disability. The parties are residents of same village and amicable settlement will help in maintaining cordial relations in future.

On 16.11.2022, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get recorded their statements regarding compromise and it was further directed that after recording their statements, the Court shall send a report regarding the genuineness of the compromise.

In compliance of the order dated 16.11.2022, the learned Additional Sessions Judge, Moga has sent its report and the relevant portion thereof is reproduced as following:-

- “i). In the light of statements suffered by both the parties, this Court seems that compromise effected between the parties is genuine, voluntary and without any coercion and undue influence.*
- ii) All the appellants/accused appearing before the Court are on bail.*
- iii) As per statement of investigating officer, no other case is pending against any of the appellants/accused.*
- iv) As per statements of the appellants, they have never been declared as proclaimed offenders.”*

After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the

inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-2). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

*“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and*

*invoking of such power is fully justified on facts and circumstances of the case.”*

Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, decided on 29.09.2021***, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

The matter has been amicably settled in terms of the compromise (Annexure P-2). In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 23, dated 15.03.2016, registered under Sections 324, 34 IPC (Section 326 IPC added later on), at Police Station Badhni Kalan, District Moga and all other consequential proceedings arising therefrom, on the basis of compromise dated 03.08.2019 (Annexure P-2), as well as, judgment dated 09.10.2018 passed by the Court of learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga, vide which the petitioners have been convicted and sentenced, are ordered to be quashed. Furthermore, the

appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 09.10.2018 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

Resultantly, with the above-said observations made, the instant petition stands allowed.

**March 16, 2023**  
vkd

**[Vivek Puri]**  
**Judge**

|                               |   |          |
|-------------------------------|---|----------|
| Whether reasonable / speaking | : | Yes / No |
| Whether reportable            | : | Yes / No |