

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

Date of Decision: September 11, 2023

1. CRM-M-9778-2023

Somdutt

.... Petitioner

Versus

State of Haryana and another

.... Respondents

2. CRA-S-3736-SB-2014 (O&M)

Somdutt

... Appellant

Versus

State of Haryana

... Respondent

3. CRR-258-2015 (O&M)

Suman Devi

.... Petitioner

Versus

State of Haryana and another

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rohit Mittal, Advocate,
for the petitioner (In CRM-M-9778-2023).

None for the appellant/petitioner
(in CRA-S-3736-SB-2014 & CRR-258-2015)

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Bhuwadesh Lakhera, Advocate,
for respondent No.2 (In CRM-M-9778-2023).

Vivek Puri, J.

1. In CRM-M-9778-2023, Somdutt-petitioner has 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. 223 dated 07.12.2013, registered under Sections

354A, 506 of the Indian Penal Code (for short `IPC') and Section 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short `SC & ST Act'), at Police Station Ateli, District Mahendergarh and setting aside the judgment of conviction and order of sentence dated 03.09.2014 passed by the Court of learned Additional Sessions Judge, Narnaul, on the basis of compromise dated 25.01.2023 (Annexure P-4).

2. In CRA-S-3736-2014, the appellant has assailed the judgment of conviction and order of sentence dated 03.09.2014 vide which he has been convicted under sections 354A, 506 IPC and 3(1)(xi) of SC & ST Act and sentenced to undergo RI for a period of 1 year and to pay fine of Rs. 5000/- for the offence punishable under Section 354A IPC. In default of payment of fine, to further undergo simple imprisonment for a period of 3 months. He was also sentenced to undergo RI for a period of 6 months and to pay fine of Rs. 2000/- for the offence punishable under Section 506 IPC. In default of payment of fine, to further undergo simple imprisonment for a period of 1 month. The appellant was further sentenced to undergo RI for a period of 1 year and to pay fine of Rs. 5000/- for the offence punishable under Section 3 (1)(xi) of SC & ST Act. In default of payment of fine, to further undergo simple imprisonment for a period

of 3 months. The sentences were directed to run concurrently.

3. In CRR-258-2015, the petitioner-complainant has sought the enhancement of sentence imposed upon the respondent no.2.

4. All the three aforesaid matters have been listed together for hearing as the same have arisen out of one FIR and are being decided by a common judgment.

5. As per the version of the complainant-respondent no.2 in CRM-M-9778-2023, she belongs to Scheduled Caste. Somdutt-petitioner had uttered derogatory remarks against her caste and assaulted her with an intention to outrage her modesty.

6. The petitioner-appellant was convicted and sentenced as aforesaid.

7. During the pendency of the proceedings of CRA-S-3736-SB-2014 and CRR-258-2015 before this Court, an amicable settlement has been effected between the parties in terms of compromise (Annexure P-4).

8. On 03.05.2023, the parties were directed to appear before the learned trial Court to get the statements recorded and report was sought from the trial Court with regard to the genuineness of the compromise.

9. In compliance of the order dated 03.05.2023, the learned trial Court has sent its report. The relevant portion of the report is reproduced as following:-

“In compliance of direction of Hon’ble Punjab and Haryana High Court, the prosecutrix “S” and accused person, namely, Somdutt were to appear in the court on 09.05.2023 or any other date convenient to this Court and to get their statements recorded with regard to the compromise. The prosecutrix “S” and the above-named accused accordingly appeared in the court today, i.e. 09.05.2023 and their statements have been recorded separately. Before recording the respective statements of prosecutrix “s” and said accused, I had put some preliminary questions to them as to whether they had resolved their matter of free will. It was disclosed by them in unison that the misunderstanding has since been resolved due to intervention of panchayat and relatives to mutual satisfaction and they have entered into a compromise voluntarily without any duress or pressure of any kind. After deriving general satisfaction regarding the willingness of both the parties in respect of compromise, I had recorded the statements on oath of the prosecutrix “S” and of the accused namely, Somdutt. Thereafter, in order to ascertain about the authenticity and genuineness of compromise, I again questioned them about their dispute being settled amicably or not and on further questioning by this court, both the

prosecutrix and accused stated at bar in open court that there was no resentment or grievance of any kind left between them.

Further, I have the honour to submit that as per final report submitted under Section 173(2) Cr.P.C., there is only one person who has been arrayed as accused in this FIR and compromise has been effected with accused, named above. Furthermore, no other person has been arrayed as an additional accused nor there is any accused who has been declared Proclaimed Offender or is absconding rather the accused, who was named in FIR, has put in appearance in the case pending before me.”

10. Learned counsel for the petitioner/appellant contends that the dispute between the parties has been amicably settled in terms of compromise (Annexure P-4). The compromise has been effected with the intervention of the respectables. The private parties are residents of the same village. An amicable settlement will help in maintaining cordial relations between the parties.

11. Learned counsel for the complainant-respondent no.2 acknowledges the fact of amicable settlement between the parties and has submitted that the complainant-respondent no.2 has no objection, if the FIR in question and subsequent proceedings are quashed. It has also been submitted that the revision preferred by the complainant-respondent No.2 for enhancement of the sentence may be disposed of in terms of the amicable settlement.

12. 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-4). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

13. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved 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**.

14. 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.”

15. Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322***, 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.

16. The matter has been amicably settled with the intervention of the respectables. The private parties are residents of the same village. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

17. 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. 223 dated 07.12.2013, registered under Sections 354A, 506 IPC and Section 3(1)(xi) SC & ST Act, at Police Station Ateli, District Mahendergarh and all other consequential proceedings arising therefrom, as well as, judgment of conviction and order of sentence dated 03.09.2014 passed by the Court of learned Additional Sessions Judge, Narnaul

vide which the petitioner has been convicted and sentenced, are ordered to be quashed. The petitioner/appellant is acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioner/appellant and revision preferred by the complainant against the judgment of conviction and order of sentence dated 03.09.2014 have been rendered infructuous.

18. Resultantly, with the above-said observations made, all the three cases i.e. CRM-M-9778-2024, CRA-S-3736-SB-2014 and CRR-258-2015 stand disposed of.

September 11, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes
Whether reportable	:	Yes