

252 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-20996-2022 (O&M)
DATE OF DECISION:-13.02.2023

Dhanraj Singh

...Petitioner.

V.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab,
for respondent No.1-State.

Mr. P.S. Kanwar, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J.

The prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.70 dated 02.09.2016, registered under Sections 452, 324 and 506 IPC with Police Station Jhabal, District Tarn Taran (Annexure P-1) and for setting aside the judgment dated 20.12.2019 passed by the court of learned Additional Chief Judicial Magistrate, Tarn Taran (Annexure P-2), vide which, the petitioner stands convicted for the aforesaid offences on the basis of compromise dated 25.04.2022 (Annexure P-3) arrived at between the parties.

Learned counsel for the petitioner submits that the petitioner-accused has been convicted and sentenced vide judgment/order dated 20.12.2019 (Annexure P-2) passed by the Additional Chief Judicial

Magistrate, Tarn Taran, the appeal is pending before the learned Sessions Court and in the meanwhile, parties have settled their differences with the intervention of elders and respectables and resultantly prays for quashing of the FIR along with all subsequent proceedings arising therefrom.

Vide order dated 16.05.2022, this Court directed the parties to appear before Appellate Court for getting their statements recorded in terms of certain parameters given in the aforesaid order with regard to the compromise (Annexure P-3).

In terms of order dated 16.05.2022 passed by this Court, parties appeared before the court of learned Additional District & Sessions Judge, Tarn Taran and a report dated 06.06.2022 has been received from the concerned court, stating that the compromise is genuine and without any coercion or undue influence, besides, no other proceeding pending against the petitioner-accused.

The Hon'ble Supreme Court in ***“Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322”***, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.*** Paras 19 and 20 of *Ramgopal's* case (supra) are relevant, which are reproduced hereunder for reference:-

“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.

20. *Having appraised the afore-stated para-meters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under [Article 142](#) and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:*

Firstly, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature;

Secondly, the nature of injuries incurred, for which the 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;

Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been concluded or their appeal(s) against conviction stand dismissed;

Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

Sixthly, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance

peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and

Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age.

Thus, in view of the aforesaid report, accompanied by statements of both the parties, the nature of offence and the fact that the parties are residing in the same vicinity, besides for the purpose of maintaining peace among them and their generations to come as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.70 dated 02.09.2016, registered under Sections 452, 324 and 506 IPC with Police Station Jhabal, District Tarn Taran and judgment/order dated 20.12.2019 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Tarn Taran as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.02.2023
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(HARKESH MANUJA)
JUDGE

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