

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

CRM-M-22126-2022 (O&M)

Reserved on : 12.10.2023

Pronounced on : 16.11.2023

HARPREET SINGH AND OTHERS

.... Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishan Gupta, Advocate for the petitioners.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. Deepak Aggarwal, Advocate for respondent No.2.

ALKA SARIN, J.

1. The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.100 dated 04.07.2014 registered under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Bhawanigarh, District Sangrur, as well as the consequential proceedings arising therefrom including the judgment of conviction dated 04.06.2019 and the order of sentence passed by learned Judicial Magistrate 1st Class Sangrur in Case CIS-CHI-71-2015, in view of the compromise arrived at between the parties.

2. The case came up before a Coordinate Bench of this Court on 18.01.2023 wherein the following order was passed :

*“The petitioner has filed petition under Sections
482 Cr.P.C. for quashing of FIR No.100 dated*

04.07.2014, under Sections 406, 498-A of IPC registered at Police Station Bhawanigarh, District Sangrur and all subsequent proceedings arising there from including the judgment of conviction dated 04.06.2019 passed by the learned Judicial Magistrate, 1st Class, Sangrur in case No.27 of 09.03.2015, qua the petitioner, in light of the compromise effected between the parties.

Let the statement of the parties concerned be recorded with regard to the aforesaid compromise on 28.02.2023 before the learned Illaqa/Duty Magistrate concerned or on any early date convenient to the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.

- 1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender or any such proceedings have been initiated or pending against them.*
- 2. Whether the compromise entered between the parties is genuine, voluntarily, without any coercion or undue influence.*
- 3. Statement of IO regarding involvement of petitioner in any other FIR.*

To await the report, list again on 28.03.2023.

*Reply, if any, be filed by the learned State counsel
by the next date of hearing.”*

Subsequent to the said order, the statements of the parties have been recorded and the parties have stated that they have voluntarily entered into a compromise.

3. Learned counsel for the petitioners would contend that this Court has inherent powers under Section 482 of CrPC to quash criminal proceedings on the basis of a compromise entered into between the parties even if the accused is held guilty and convicted by the Trial Court. Learned counsel for the petitioners has relied upon the judgment delivered by the Hon’ble Supreme Court in the case of **‘Ram Gopal & Anr. Vs. State of Madhya Pradesh’ [2021 (SCC) Online (SC) 834]** as well as the judgment of the Division Bench of this Court in the case of **‘Sube Singh & Anr. Vs. State of Haryana & Anr.’ [2013 (4) RCR (Criminal) 102]**.

4. Learned counsel appearing on behalf of respondent No.2 has stated that respondent No.2 has no objection if the FIR and the judgment of conviction and the order of sentence are quashed in view of the compromise entered into between the parties.

5. Heard.

6. In the present case respondent No.2 had lodged FIR No.100 dated 04.07.2014 under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Bhawanigarh, District Sangrur against her husband, father-in-law and mother-in-law, who are petitioners in the present petition. Pursuant thereto, the trial resulted in the conviction and sentence of the

petitioners as under :

Sr. No.	Name of the accused	Under Section	Period of Imprisonment	Fine
1.	Harpreet Singh	498-A IPC	To undergo rigorous imprisonment for a period of two years	Fine Rs.1,000/- and in default to undergo imprisonment for seven days
		406 IPC	To undergo rigorous imprisonment for a period of two years	Nil
2.	Hari Singh	498-A IPC	To undergo rigorous imprisonment for a period of two years	Fine Rs.1,000/- and in default to undergo imprisonment for seven days
		406 IPC	To undergo rigorous imprisonment for a period of two years	Nil
3.	Manjit Kaur	498-A IPC	To undergo rigorous imprisonment for a period of two years	Fine Rs.1,000/- and in default to undergo imprisonment for seven days
		406 IPC	To undergo rigorous imprisonment for a period of two years	Nil

Subsequently, an appeal bearing No.CRA/230/2019 titled ‘Harpreet Singh & Ors. Vs. State of Punjab’ was filed before the learned Sessions Judge, Sangrur. During the pendency of the said appeal, the parties have stated to have entered into a compromise. Pursuant to the compromise, a petition was filed under Section 13-B of the Hindu Marriage Act, 1955 and

the marriage now stands dissolved by way of mutual consent vide judgment dated 25.03.2022 (Annexure P-6).

7. Vide order dated 18.01.2023 a Coordinate Bench of this Court had directed that the statements of the parties be recorded with regard to the compromise. The report has been received from the Additional Chief Judicial Magistrate concerned wherein it has been stated that the parties have entered into a compromise without any coercion, undue influence, threat or pressure and that the statements of the parties have also been appended with the report.

8. The Hon'ble Supreme Court in the case of **Ram Gopal** (*supra*) has inter-alia held as under :

“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 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).”

9. In view of the law and the parameters laid down by the Hon’ble Supreme Court in the case of **Ram Gopal** (*supra*) and considering the fact that the present matter can be categorized as purely personal in nature, having arisen out of a matrimonial discord, the parties have entered into a compromise voluntarily as also patent from the report submitted by the Additional Chief Magistrate, Sangrur, this is a fit case to exercise jurisdiction vested under section 482 CrPC to secure the ends of justice.

10. Resultantly, FIR No.100 dated 04.07.2014 registered under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Bhawanigarh, District Sangrur, along with all the consequential proceedings arising therefrom, are quashed in view of the compromise arrived at between the parties. As a consequence thereof, the judgment of conviction and the order of sentence dated 04.06.2019 passed by learned Judicial Magistrate 1st Class Sangrur in Case CIS-CHI-71-2015 are set aside.

11. Pending applications, if any, also stand disposed of.

16.11.2023

Aman Jain

**(ALKA SARIN)
JUDGE**

NOTE:

*Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*