

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 08.05.2023

CRM-M-23245 of 2023

Jaspal @ Anil

---Petitioner

versus

State of Punjab and others

---Respondents

CRA-S-1812 of 2022

Jaspal @ Anil

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rana Harjasdeep Singh, Advocate
for the petitioner
Mr. Shiva Khurmi, AAG, Punjab
Mr. Karanbir Singh, Advocate
for respondents No. 2 and 3

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CRM-M- 23245 of 2023 and CRA-S- 1812 of 2022 are disposed of as both are arising out of same FIR. For the sake of convenience facts are borrowed from CRM-M- 23245 of 2023.
2. The petitioner, through instant petition under Section 482 Cr.P.C., is seeking quashing of FIR No. 42 dated 15.03.2025, under Sections 354-A, 506 and 34 IPC and Section 8 of POCSO Act, registered at Police Station Laddowal, District Ludhiana and order of

sentence dated 26.11.2020 passed by Additional Sessions Judge, Ludhiana whereby ASJ has imposed fine of Rs. 2000/-.

3. The petitioner has been convicted vide judgment dated 26.11.2020 passed by ASJ, Ludhiana. The trial court has imposed fine upon the petitioner. There is no corporal punishment. Appeal of the petitioner challenging imposition of fine is pending before this Court.

4. Vakalatnama filed by Mr. Karanbir Singh, Advocate, on behalf of respondents No. 2 and 3 is taken on record. Registry is directed to tag the same at appropriate place.

5. Learned counsel for the parties are *ad idem* that dispute between the parties has been amicably settled and they have entered into a compromise dated 07.01.2023 (Annexure P-3).

6. Learned State counsel and counsel for the complainant submit that they have no objection if present petition is allowed and FIR is quashed qua the petitioner.

7. Relying upon its earlier judgments in 'Gian Singh Vs. State of Punjab and others, (2012) 10 SCC 303' and 'The State of Madhya Pradesh Vs. Laxmi Narayan and others (2019) 5 SCC 688', a two Judge Bench of the Hon'ble Supreme Court in 'Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC online SC 834' while dealing with power of High Court under Section 482 of Cr.P.C. to quash non-compoundable offences on the basis of compromise between the disputing parties has held:

“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 320Cr.P.C.](#), which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of [Section 320Cr.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 320Cr.P.C.](#) is not an embargo against invoking inherent powers by the High Court vested in it under [Section 482Cr.P.C.](#) The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press [Section 482Cr.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 pre-dominantly 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 & Ors. vs. State of Punjab & Ors.](#)³ 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."

8. From the perusal of the enclosed FIR, judgment of conviction and compromise dated 07.01.2023 (Annexure P-3), it transpires that contesting parties have amicably resolved their issue, thus, no useful purpose would be served by continuing the proceedings. Trial court has subjected the petitioner to the punishment of fine. There is no corporal punishment. Continuation of the proceedings would just waste valuable judicial time and it is well-known fact that courts are already over burdened.

9. In view of above facts and circumstances, the present petition deserves to be allowed and accordingly allowed. FIR No. 42 dated 15.03.2025, under Sections 354-A, 506 and 34 IPC and Section 8 of POCSO Act, registered at Police Station Laddowal, District Ludhiana and all consequential proceedings arising therefrom therefrom are quashed qua the petitioner.

CRA-S-1812 of 2022 (O&M)

10. In view of above order passed in CRM-M- 23245 of 2023 seeking quashing of FIR in question, the instant appeal has rendered infructuous and disposed of as such.

(JAGMOHAN BANSAL)
JUDGE

08.05.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No