

225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2036-2014 (O&M)

DATE OF DECISION:-13.03.2023

Purshottam and others

...Petitioners.

Vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Gulshan Nandiwal, Advocate for the petitioners.

Mr. Amit Aggarwal, DAG, Haryana.
for respondent-State.

Mr. Aditya Sanghi, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present revision petition, challenge has been made to the judgment dated 06.06.2014 passed by the court of learned Additional Sessions Judge, Rewari, whereby the appeal filed against the judgment of conviction dated 10.08.2011 and order of sentence dated 11.08.2011 passed by the court of learned Judicial Magistrate First Class, Rewari, was dismissed.

The facts of the case are that on account of an incident dated 20.06.2003, FIR No.66, dated 21.06.2003 came to be registered under Sections 447, 506/34 IPC at Police Station Kasola, at the instance of complainant-Rati Ram implicating the petitioners as accused. The trial court vide judgment of conviction dated 10.08.2011 and order of sentence dated 11.08.2011, awarded sentence to the petitioners, to the following effect:-

<i>Name of convict</i>	<i>Offence u/s</i>	<i>Sentence plus fine</i>	<i>In default of payment of fine</i>
Purshotam	506 IPC	RI for 2 years + 500/-	SI for two months
	447 IPC	RI for 3 months + 500/-	
Jai Bhagwan	506 IPC	RI for 2 years + 500/-	SI for two months
	447 IPC	RI for 3 months + 500/-	
Hari Om	506 IPC	RI for 2 years + 500/-	SI for two months
	447 IPC	RI for 3 months + 500/-	
Rajesh Kumar	506 IPC	RI for 2 years + 500/-	SI for two months
	447 IPC	RI for 3 months + 500/-	
Rajender Kumar	506 IPC	RI for 2 years + 500/-	SI for two months
	447 IPC	RI for 3 months + 500/-	

Aggrieved thereof, two appeals were filed. First appeal bearing Criminal Appeal No.54 of 2011 was filed by the petitioners against the judgment of conviction and order of sentence and second appeal bearing Criminal Appeal No.74 of 2011 was filed by complainant-Rati Ram for modification to the extent that the possession of the plot in dispute may be ordered to be restored. Appeal filed by the petitioners was dismissed, thereby upholding the conviction and sentence awarded by the trial court, whereas, appeal filed by complainant-Rati Ram was accepted by the court of learned Additional Sessions Judge, Rewari, thereby, restoring the possession of the plot in question.

By way of present revision petition, the petitioners laid challenge to the aforesaid judgments passed by both the courts below.

During the pendency of present revision petition, the petitioners

were released on bail. Thereafter, better sense prevailed and the parties, who are closely related to each other involving two brothers and their children and for maintaining the peace as well as to protect the relationship among their families and their generations to come, they have entered into a settlement/compromise dated 15.03.2019 before the Mediation and Conciliation Centre of this Court, which forms part of the record.

In view of the above noted subsequent development, learned counsel for the petitioners submits that the parties having settled their disputes in order to bury their differences, being closely related to each other involving two brothers and their children, the petitioners be acquitted of the charges framed against them and their conviction may be set aside.

In response, Mr. Aditya Sanghi, Advocate representing respondent No.2, accepting the factum of compromise dated 15.03.2019 raises no objection in this regard.

I have heard learned counsel for the parties and gone through the paper book.

The parties being closely related to each other involving two brothers and their children, having settled their disputes so as to maintain peace and harmony and also for the betterment and safety of their generations to come, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, it would be rather in the interest of both the parties to render a complete quietus to the proceedings and thus, no cause remains for this Court to invest further time and effort in adjudicating this revision petition on merits.

My aforesaid view is mainly dervied from the proposition of law laid down

by the Hon'ble Supreme Court in case of **“Ram Gopal vs. State of Madhya Pradesh**, 2021(4) RCR (Criminal)322. Relevant paras 18 and 19 thereof are reproduced hereunder:-

“18. It is now a well crystalized axiom that the plenary jurisdiction of this Court to impart complete justice under [Article 142](#) cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to [Section 482](#) Cr.P.C. conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under [Article 142](#) of the Constitution embraces this Court with scopius powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the over-arching objective of sentencing in the criminal justice system, which is grounded on the sublime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

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 extra-ordinary 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.”

A conjoint reading of Section 320 (8) Cr.P.C., makes it clear that composition of offence under this Section amounts to acquittal of the accused. Section 320 (8) Cr.P.C. is reproduced hereunder for reference:-

“320(8) The composition of an offence under this Section shall have the effect of an acquittal of the accused with whom the offence has been compounded.”

Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainant, offences committed by the petitioners thus, stand compounded.

Thus, in view of the discussion made hereinabove as well as keeping in mind the law laid down in the aforementioned judgment, the present petition is accepted. The petitioners are acquitted of the charge framed against them for all intents and purposes and the judgments of conviction and orders of sentence passed by the trial court and the appellate court are set aside, on the basis of compromise arrived at between the parties on 15.03.2019, under the provision of Section 320 (8) Cr.P.C.

Accordingly, the petition stands disposed of in above terms.

13.03.2023

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(HARKESH MANUJA)
JUDGE

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