

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242

CRR-1390-2023

Date of decision : 19.09.2023

Mangal Dass

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Vansh Chawla, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. This revision has been filed challenging the judgment dated 13.01.2023 passed by the Additional Sessions Judge, Sangarur whereby the Appellate Court upheld the judgment of conviction and order of sentence dated 02.11.2019 passed by the JMIC, Dhuri in FIR No.70 dated 18.05.2018, registered for the offences punishable under Sections 458, 324, 323 and 201 of IPC, at Police Station Sadar Dhuri.

2. On 20.07.2023, the following order was passed:-

“CRM-29617-2023

This is an application for impleading complainant namely Pardhan son of Hari as respondent No.2 in the present petition.

For the reasons recorded in the application, the same is allowed. Complainant Pardhan son of Hari is ordered to be impleaded as respondent No.2 in the present petition.

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Amended memo of parties is taken on record subject to all just exceptions.

Application stands disposed off.

CRM-29616-2023

This is an application for placing on record compromise deed dated 20.12.2022 marked as Annexure P-1.

Counsel representing respondent No.2 admits the fact of there being a compromise between the parties.

In view of above, the present application is allowed. Compromise deed marked as Annexure P-1 is taken on record.

CRM-24769-2023

This is an application filed under Section 397(1) read with Section 482 Cr.P.C. praying for suspension of sentence of applicant/ petitioner-Mangal Dass, during the pendency of the revision petition.

Custody Certificate of the applicant/petitioner has been filed in the Court today; Be kept on record.

Ld. Counsel for the applicant/petitioner submits that as per custody certificate produced by the State Authorities, the applicant/petitioner has undergone custody of 8 months and 20 days out of total awarded sentence of 2 years R.I. Apart from that it is stated that the dispute is between the brothers which stands settled vide Annexure P-1.

Counsel for respondent No.2/complainant admits the fact thereof.

I have heard counsel for the parties and have gone through records of the case.

In view of above, this Court deems it appropriate to suspend the sentence of the applicant/petitioner during the pendency of the revision petition.

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The applicant/petitioner is ordered to be released on bail to the satisfaction of Ld. Chief Judicial Magistrate/Duty Magistrate, concerned.

Application stands disposed off accordingly.

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In view of the settlement arrived at between the parties which has been reduced into writing vide Annexure P-1 and stands duly admitted by counsel for the complainant/respondent No.2, the parties are directed to appear before learned Trial Court/Duty Magistrate on 10.08.2023. On their doing so, the learned Trial Court/Duty Magistrate shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender?
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?
4. Whether the accused persons are involved in any other case or not?
5. The Trial Court is also directed to record the statement of the Investigating Officer as to how many victims/ complainants are there in the FIR.

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Trial Court/Duty Magistrate shall be at liberty to call the parties on any other date but not later than a week thereafter.

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For awaiting report from the Trial Court, list on
19.09.2023.”

3. Pursuant to the aforesaid order, report dated 09.09.2023 from JMIC, Dhuri has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

The complainant namely Pardhan has suffered statement and stated that the present FIR No.70 dated 18.05.2018 under Sections 458, 323, 324, 201 IPC, P Sadar Dhuri, was registered at his instance against accused Mangal Dass son of Hari Ram resident of Rajo Majra, PS Sadar Dhuri, who has been arrayed as accused in the present FIR. He further submitted that there is only one accused in the present FIR and apart from petitioner, no other person/accused is there in the instance FIR. He further submitted that he has not been involved in any other criminal case. He further submitted that he has not been declared proclaimed offender in any case. He further submitted that accused has compromised with him with the intervention of respectable persons, without any under influence or pressure and the compromise is voluntarily, genuine and without any coercion and the compromise is not the result of any fraud or misrepresentation and in the result of free will. He further submitted that he has no objection for quashing the FIR No. 70 dated 18.05.2018 under Section 458, 323, 324, 201 IPC, PS Sadar Dhuri against the accused Mangal Dass son of Hari Ram resident of Rajo Majra, PS Sadar Dhuri. He further submitted that as per the compromise accused filed a quashing petition before the Hon'ble Punjab and Haryana High Court, Chandigarh bearing CRR-1390-2023 and all the consequential proceedings may kindly

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be quashed against the accused/petitioner namely Mangal Dass and he may be acquitted and the proceedings be quashed on the basis of compromise between the parties. He proved on record photocopy compromise dated 20.12.2022 and identified his signatures on the same as Ex.CX. He further submitted that he has no objection if the quashing petition filed the accused has been allowed and the proceedings of the FIR has been quashed. He placed on record photocopy of his Aadhar Card as Ex.P1.

Accused namely Mangal Dass has suffered statement and has stated that present FIR No. 70 dated 18.05.2018 under Section 458, 323, 324, 201 IPC, PS Sadar Dhuri, was registered by complainant Pardhan against him. He further submitted that he is not involved in any other criminal case. He further submitted that he has not been declared proclaimed offender in any case. He further submitted that complainant has compromised with him with the intervention of respectable persons, without any undue influence or pressure and the compromise is voluntarily, genuine and without any coercion and the compromise is not the result of any fraud or misrepresentation and is the result of free will. He further submitted that as per the compromise, he has filed a quashing petition before the Hon'ble Punjab and Haryana High Court, Chandigarh bearing CRR-1390-2023 and all the consequential proceedings may kindly be quashed against him. He proved on record photocopy of compromise dated 20.12.2022 and identified his signatures on the same as Ex.CX. He further submitted that he has no objection if the quashing petition filed by him has been allowed and the proceedings of the FIR has been quashed.”

4. Mr. Vansh Chawla, Advocate appears for respondent No.2 and admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard learned counsel for the parties and have carefully gone through the records of the case.

7. Reliance has been placed upon the judgment passed by the Apex Court in **Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)**, wherein it has been held as under:-

“13. xx xx xx

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).”

8. Consequently, the revision petition is allowed. Impugned orders dated 13.01.2023 passed by the Additional Sessions Judge, Sangarur as well as order of sentence dated 02.11.2019 passed by the JMIC, Dhuri are hereby set aside and FIR No.70 dated 18.05.2018, registered for the offences punishable under Sections 458, 324, 323 and 201 of IPC, at Police Station Sadar Dhuri and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

19.09.2023
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No