

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

CRM-M-29976-2022

Date of Decision: August 10, 2023

Usha Rani and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Avtar S. Khinda, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Paras Khindri, Advocate,
for respondent nos.2 to 4.

Vivek Puri, J.

1. The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 205, dated 30.10.2011, registered under Sections 323, 354, 34 of the Indian Penal Code (for short 'IPC'), at Police Station City Kapurthala, District Kapurthala and all other consequential proceedings arising therefrom, as well as, judgment and order dated 20.08.2019 passed by the Court of learned Chief Judicial Magistrate, Kapurthala vide which the petitioners have been convicted and sentenced, on the basis of compromise dated 15.06.2022 (Annexure P-3).

2. On 23.03.2023, the parties were directed to appear before the lower appellate Court for recording statements of the parties regarding compromise and it was further directed that after recording their statements, the learned appellate Court shall send a report regarding the genuineness of the compromise.

3. In compliance of the order dated 23.03.2023, the learned Additional Sessions Judge, Kapurthala has sent its report and the relevant portion thereof is reproduced as following:-

“As per the statements of respondents / complainant / victim / aggrieved person namely Priyanka Mishra, Shashi Kant and Pushpa Mishra, the compromise effected between them is valid and genuine and without any pressure, undue influence, threat or promise of any kind and with their free will. Shashi Kant Mishra, who is father of the complainant Priyanka Mishra, brought his original Aadhar Card, copy of which was Mark-A.

Appellants/accused Vinod, Dinesh and Usha also suffered statement to the effect that on the statements of above said respondents / complainant / victim / aggrieved person namely Priyanka Mishra, Shashi Kant and Pushpa Mishra, FIR No. 205 dated 30.10.2011, P.S. City, Kapurthala was registered against them, whereas the matter was compromised between them, which was entered into without any pressure, coercion and with their free will. Appellants/accused Vinod, Dinesh and Usha brought their original Aadhar Card, copies of which were Mark-B to Mark-D.

As per the statement of ASI Balkar Singh, No. 1401/Kpt. Recorded on 29.05.2023, there are three accused namely Vinod, Dinesh and Usha are arrayed in this FIR. No accused is proclaimed offender in this case. In the present FIR, there is no other complainant / victim / aggrieved person except respondents arrayed in

the petition namely Priyanka Misra, aged about 32 years, daughter of Shashi Kant Mishra, r/o Factory area near Ahujla Fatak PS City, District Kapurthala; Pushpa Mishra aged 55 years w/o Shashi Kant Mishra, r/o Factory area near Ahujla Fatak, PS City, District Kapurthala and Shashi Kant Mishra, aged 53 years s/o Kailash Mishra, r/o Factory area near Ahujla Fatak, PS City, District Kapurthala. As per record, there is no other criminal case against the accused arrayed in the present FIR.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that on 28.10.2011, the petitioners have entered into quarrel with the respondents no. 3 and 4 and further, the T-shirt of the respondent no.2 was torn with an intention to outrage her modesty. The petitioners have also used abusive language against the respondents no. 2 to 4. The dispute has been amicably settled between the parties in terms of the compromise (Annexure P-3). At the earlier instance, the petitioners were convicted under Sections 354, 323/34 IPC and sentenced to undergo rigorous imprisonment for a period of two years vide judgment dated 20.08.2010 passed by the Court of learned Chief Judicial Magistrate, Kapurthala. The appeal preferred by them is pending before the Court of learned Additional Sessions Judge, Kapurthala. The parties are neighbourers. An amicable settlement will help in maintaining cordial relations between them.

5. After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-3). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

6. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

7. In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and

invoking of such power is fully justified on facts and circumstances of the case.”

8. Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322***, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

9. The matter has been amicably settled with the intervention of respectable persons. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 205, dated 30.10.2011, registered under Sections 323, 354, 34 IPC, at Police Station City Kapurthala, District Kapurthala and all other consequential proceedings arising therefrom, as well as, judgment and order dated 20.08.2019 passed by the Court of learned Chief Judicial Magistrate, Kapurthala vide which the petitioners have been convicted and sentenced, are ordered to be quashed. The petitioner is acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioner against

the judgment of conviction and order of sentence dated 20.08.2019 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

August 10, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No