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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-775-2017 (O&M)
Date of Decision:10.10.2023

ASI Ajmer Singh and Others

...Petitioners

Vs.

State of Punjab and Others

...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Atul Goyal, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Amit Chaudhary, Advocate for
Ms. Vishali, Advocate
for the respondents.

N.S.Shekhawat J.

1. The present revision petition has been preferred against the judgment dated 07.02.2017 passed by the Court of Additional Sessions Judge, Moga and the judgment of conviction and order of sentence dated 01.11.2014 passed by the Court of JMIC, Moga, whereby the petitioners were ordered to be convicted for the offences punishable under Sections 323, 343, 365 read with Section 34 of IPC and were sentenced as under:-

U/s	RI for	Fine	In default of fine
323 IPC	01 year	Nil	-----
343 IPC	02 years	Nil	-----
365 IPC	03 years	Rs.2000/-	SI for 15 days

2. During the pendency of the present revision petition, the matter

was amicably settled between the petitioners/accused and Surjit Kaur, complainant, Manjit Singh, alleged victim and Hardeep Singh. In support of the compromise, a copy of the *Panchayati* compromise was placed on record as Annexure P-1. Since the matter had culminated in settlement, Surjit Kaur, Manjit Singh and Hardeep Singh were ordered to be impleaded as respondents in the present case. Vide the order dated 16.05.2017, the sentence imposed on the petitioners were ordered to be suspended and the parties are directed to appear before the Court of Chief Judicial Magistrate, Moga and were further directed to produce the original compromise before the Chief Judicial Magistrate, Moga and to get their statements recorded. The Chief Judicial Magistrate, Moga was further directed to send the report with regard to the genuineness of the compromise and with regard to the pendency of the cases against the petitioners. In compliance of the said order, the parties appeared before the Court of Chief Judicial Magistrate, Moga and got their statements recorded. The Chief Judicial Magistrate, Moga submitted a detailed report dated 28.08.2017, which is part of the record. As per the report received from the Court of Chief Judicial Magistrate, Moga, the present petitioners had compromised the matter with Surjit Kaur, Manjit Singh and Hardeep Singh. The CJM also reported that the compromise was voluntarily entered into by the said persons with the petitioners/accused and they had no objection in case the FIR in the present case and the subsequent proceedings were ordered to be quashed by this Court. The CJM, Moga also annexed all the statements made by the private respondents/complainant side as well.

3. I have heard learned counsel for the parties and perused the record.

4. Learned counsel for the petitioners submitted that as the matter had

been compromised between the parties and all the disputes had been amicably settled, the present petition may be allowed and the impugned judgment of conviction/sentence passed by the Courts may be set aside along with the FIR. Learned counsel further submitted that the statements of the respondents No.2 to 4 had already been recorded by the Court of Chief Judicial Magistrate, Moga, the petitioners were liable to be acquitted by this Court. In support of his arguments, learned counsel relied upon latest judgment rendered by the Hon'ble Supreme Court in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021 SCC Online SC 834*** to contend that the criminal proceedings being purely personal and private in nature, can be set aside by this Court even if there is a conviction of the petitioners under Section 498-A, 307 of IPC. Learned counsel further relied upon the judgment of a Division Bench passed by this Court in the matter of ***Sube Singh and another Vs. State of Haryana and another***, CRM-M-38140-2011, decided on 09.04.2013 and the judgment passed by the Hon'ble Supreme Court in the matter of ***Narinder Singh and Others Vs. State of Punjab and another***, Criminal Appeal No.686 of 2014, decided on 27.03.2014.

5. On the other hand learned counsel appearing on behalf of respondents also submitted that pursuant to the compromise arrived at between the parties, now nothing was due between them. Learned counsel further contends that the parties had amicably resolved all their disputes and they would have no objection in case the instant revision petition is allowed and the FIR in question along with the judgment of conviction/sentence of the petitioners are set aside.

6. The only question, which arises for consideration before this Court

is whether this Court can quash the instant FIR along with the judgment of conviction/sentence, while exercising the inherent powers provided under Section 482 Cr. P.C. Section 482 Cr.P.C., which deals with inherent power of the High Court reads as under:-

“482. Saving of inherent powers of High Court. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

7. From the scheme of the Code of Criminal Procedure, it is apparent that the offences, which are non-compoundable under Section 320 Cr.P.C cannot be compounded by a Criminal Court, However, Section 320 Cr.P.C is not an embargo against invoking inherent powers of this Court under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of the case and for justifiable reasons can exercise its inherent powers under Section 482 Cr.P.C. to prevent abuse of the process of any court, or to secure the end of justice. Thus, the High Court can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. In so far as power of quashing under Section 482 Cr.P.C. is concerned, it is guided by the material on record as to whether the ends of justice would justify such exercise of power, even though the ultimate consequence may be acquittal of the accused. The Division Bench of this Court in **Sube Singh and another vs. State of Haryana and another (supra)** has observed that non-acceptance of the compromise would also lead to denial of complete justice, which is the very essence of our justice delivery system. Since, there is no statutory embargo against invoking of power under

Section 482 Cr.P.C., after conviction of an accused by the trial court and during the pendency of appeal against such conviction, the High Court could invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

8. In its latest judgment rendered in **Ramgopal and another vs. State of Madhya Pradesh (supra)** the Apex Court has held as under:-

“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 extraordinary 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.

9. In the present case also, the parties have already resolved all their disputes vide the compromise Annexure P-1. Thereafter, the parties have also appeared before the Court of CJM, Moga and got their statements recorded. Even the CJM, Moga has recorded the satisfaction that the compromise entered into between the parties is genuine and voluntary.

10. In view of the above discussion and the above ratio of law laid down by the Hon’ble Supreme Court, this Court is of the considered view that it is a fit case to exercise the inherent powers vested in this Court under Section 482 Cr.P.C and to quash the FIR No.114 dated 29.07.2005 under Sections 365,343,323 of IPC registered at Police Station Kot Ise Khan, District Moga along with the judgment dated 07.02.2017 passed by the Court of Additional

Sessions Judge, Moga and the judgment of conviction and order of sentence dated 01.11.2014 passed by the Court of JMIC, Moga and all consequential proceedings. Consequently, the present petition is allowed.

11. All other pending applications if any, also disposed off, accordingly.

10.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No