

2023:PHHC:064074

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

CRM-M-35783-2020

Date of Decision: May 04, 2023

Mandeep Singh @ Rubi

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Lalit Sharma, Advocate,
for respondent no.2.

Vivek Puri, J.

1. The petitioner has 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. 167 dated 03.09.2009, registered under Sections 419, 420, 465, 467, 468, 471, 474, 120-B of the Indian Penal Code (for short `IPC'), at Police Station City Mansa and all other consequential proceedings arising therefrom, as well as, judgment dated 10.04.2017 passed by the Court of learned Judicial Magistrate 1st Class, Mansa vide which the petitioner has been convicted and sentenced, on the basis of compromise dated 05.06.2020 (Annexure P-4).

2. On 05.11.2020, the petitioner was directed to move an application 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 05.11.2020, the learned Additional Sessions Judge, Mansa has sent its report and the relevant portion thereof is reproduced as following:-

“From the statements of the parties and above circumstances, it seems that the compromise has been effected without any influence or coercion...”

4. Learned counsel for the petitioner contends that precisely the FIR has been registered on the allegations that a forged power of attorney of respondent no.2 was prepared whereupon the petitioner had signed as a witness. On the basis of the forged power of attorney, Gurcharan Singh and Nachhatter Singh had executed the sale deed dated 12.12.2008 with regard to the land measuring 500 sq. yards in favour of Gurdeep Singh. The dispute has been amicably settled between the parties in terms of the compromise. At the earlier instance, Gurcharan Singh @ Charna, Gurvinder Singh @ Pammi and Nachhatter Singh, co-accused were convicted and sentenced by the learned trial Court. The

appeal preferred by them was also dismissed. They had assailed the judgments by way of 3 separate CRRs bearing Nos. 449-2017, 708-2017 and 1099-2017. The said CRRs have been disposed of in pursuance of the amicable settlement effected between the parties therein and the sentence imposed upon them was reduced to the sentence already undergone by them. The petitioner has been convicted under Sections 419, 420, 465, 467, 471, 120-B IPC and sentenced thereunder vide judgment/order dated 10.04.2017. The appeal preferred by the petitioner is pending in the Court of learned Additional Sessions Judge, Mansa. The amicable settlement has been effected between the parties in terms of compromise dated 05.06.2020 (Annexure P-4).

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-4). 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 Panchayat Members as well as other 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, FIR No. 167 dated 03.09.2009, registered under Sections 419, 420, 465, 467, 468, 471, 474, 120-B IPC, at Police Station City Mansa and all other consequential proceedings arising therefrom, as well as, judgment dated 10.04.2017 passed by the Court of learned Judicial Magistrate 1st Class, Mansa, vide which the petitioner has 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 10.04.2017 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.

May 04, 2023
vkd

[Vivek Puri]
Judge

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