

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

Date of Decision: August 10, 2023

1. CRM-M-39883-2022

Sarabjit Singh @ Vicky Petitioner

Versus

State of Punjab and another Respondents

2. CRA-S-1082-2021 (O&M)

Sarabjit Singh @ Vicky ... Appellant

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manvinder Singh Sidhu, Advocate,
for the petitioner/appellant.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Surender Saini, Advocate,
for Mr. Gaganjot Kaur, Advocate,
for respondent no.2 in CRM-M-39883-2022.

Vivek Puri, J.

1. In CRM-M-39883-2022, Sarabjit Singh @ Vicky, 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. 103 dated 06.07.2017, registered under Sections 376, 494, 420, 493, 495 of the Indian Penal Code (for short 'IPC'), at Police Station Ladowal, District Ludhiana and all other consequential proceedings arising therefrom, as well as, judgment of

conviction dated 25.08.2021 and order of sentence dated 27.08.2021 passed by the Court of learned Additional Sessions Judge (Fast Track Special Court), Ludhiana vide which the petitioner has been convicted and sentenced, on the basis of compromise dated 22.08.2022 (Annexure P-3).

2. In CRA-S-1082-2021, the appellant has assailed the judgment of conviction dated 25.08.2021 and order of sentence dated 27.08.2021 vide which he has been convicted under sections 495 and 493 IPC and sentenced to undergo RI for a period of 6 years and to pay fine of Rs. 50,000/- on each count.

3. Both the aforesaid matters have been listed together for hearing as the same have been filed by the same petitioner. As such, the afore-mentioned matters are being decided by a common judgment.

4. As per the version of the prosecution, on 26.03.2017, the petitioner/appellant had solemnized marriage with the prosecutrix, who has been arraigned as respondent no.2 in CRM-M-39883-2022. After solemnization of marriage, the petitioner/appellant was reluctant to take the prosecutrix to his house. It revealed that the petitioner/appellant was already married and has cheated the prosecutrix by performing second marriage. As per the allegations, the petitioner/appellant had co-habited with the prosecutrix in a deceitful manner by inducing a belief of

lawful marriage and had concealed the fact of his earlier subsisting marriage.

5. The petitioner/appellant was convicted under Sections 495 and 493 IPC and sentenced as following:-

<i>Under Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine.</i>
495 of IPC	Six (6) years rigorous imprisonment	Rs.50,000/- (Rs. Fifty thousand only)	Rigorous imprisonment for six months.
493 of IPC	Six (6) years rigorous imprisonment	Rs.50,000/- (Rs. Fifty thousand only)	Rigorous imprisonment for six months.

It was further directed that both the sentences shall run concurrently.

6. The petitioner/appellant has preferred criminal appeal bearing CRA-S-1082-2021 assailing the judgment of conviction dated 25.08.2021 and order of sentence dated 27.08.2021.

7. During the pendency of the proceedings before this Court, an amicable settlement has been effected between the parties in terms of compromise (Annexure P-3).

8. On 17.03.2023, the parties were directed to appear before the learned Illaqa/Duty Magistrate to get the statements recorded to verify with regard to the genuineness/correctness of the compromise.

9. In compliance of the order dated 17.03.2023, the learned Judicial Magistrate First Class, Ludhiana has sent

its report. It may be mentioned here that in the report the name of the complainant has been mentioned, but the same is not being reproduced in the judgment and is being referred to as 'respondent no.2'. The relevant portion of the report is reproduced as following:-

"It is further submitted that report of the police official was also obtained, who has reported in his report that except Sarabjit Singh, there is no other accused involved in this case. He further reported that parties are not involved in any other case and parties are not declared proclaimed offenders in any other case.

At present, as per the statements made by the above said accused namely Sarabjit Singh and complainant-respondent no.2, they have entered into compromise with each other vide compromise dated 22.08.2022. As per the statements so recorded by both sides, most humbly it is submitted that it can be deduced that the compromise is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. The complainant has been duly identified by her counsel. Further, accused Sarabjit Singh @ Vicky has been produced through VC but his antecedents have duly verified by the undersigned and he has been duly identified by the complainant as well. Further, it is also humbly submitted that no other person except the petitioner/accused namely Sarabjit Singh was involved in the present FIR, parties are not

involved in any other criminal case and none of the parties has ever been declared proclaimed offender....”

10. Learned counsel for the petitioner/appellant contends that the dispute has been amicably settled between the parties. The compromise has been effected with the intervention of the respectables. The respondent no.2 has solemnized marriage and has also been blessed with a child. The petitioner/appellant has also compensated the respondent no.2 and a sum of Rs. 75,000/- has been paid to her. An amicable settlement will help in maintaining cordial relations between the parties. Furthermore, out of the substantive sentence of imprisonment of six years, the petitioner/appellant has undergone total sentence including remission to the extent of 2 years, 3 months and 4 days. Besides, the petitioner/appellant is not involved in any other case.

11. Learned counsel for the respondent no.2 acknowledges the fact of amicable settlement between the parties and has submitted that respondent no.2 has no objection, if the FIR in question and subsequent proceedings are quashed.

12. 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.

13. 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**.

14. 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.”

15. 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.

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

17. 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. 103 dated 06.07.2017, registered under Sections 376, 494, 420, 493, 495 IPC, at Police Station Ladowal, District Ludhiana and all other consequential proceedings arising therefrom, as well as, judgment of conviction dated 25.08.2021 and order of sentence dated 27.08.2021 passed by the Court of learned Additional Sessions Judge (Fast Track Special Court), Ludhiana vide which the petitioner has been convicted and sentenced, are ordered to be quashed. The petitioner/appellant is acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by

the petitioner/appellant against the judgment of conviction dated 25.08.2021 and order of sentence dated 27.08.2021 has been rendered infructuous. The petitioner/appellant be released from jail, if not required in any other case.

18. Resultantly, with the above-said observations made, both the cases i.e. CRM-M-39883-2022 and CRA-S-1082-2021 stand disposed of.

August 10, 2023
vkd

[Vivek Puri]
Judge

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