

2023:PHHC:055037

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

**CRM-M-42430-2022**

**Date of Decision: April 19, 2023**

*Ravinder and others*

*.... Petitioners*

Versus

State of Haryana and another

*.... Respondents*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Kuldeep Khandelwal, Advocate,  
for Mr. Wazir Singh, Advocate,  
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana

Mr. Devinder Singh, Advocate,  
for respondent no.2.

**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. 103 dated 18.05.2016, registered under Sections 323, 452, 506 and 34 of the Indian Penal Code (for short 'IPC'), at Police Station Pillu Khera, District Jind and all other consequential proceedings arising therefrom, as well as, judgment dated 30.07.2019 passed by the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Safidon vide which the petitioners have been convicted and

sentenced, on the basis of compromise dated 10.09.2022 (Annexure P-3).

2. Briefly, the FIR has been registered on the allegations that on 16.05.2016, the petitioners had committed criminal trespass into the house of respondent no.2 and inflicted injuries upon his person. The petitioners have been convicted under Sections 323/452/506 read with Section 34 IPC in terms of the judgment dated 30.07.2019 and sentenced to undergo rigorous imprisonment for a period of 01 year and 06 months each and to pay fine of Rs. 1500/- each and in default, to undergo simple imprisonment for 01 month.

3. Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioners have preferred a criminal appeal which is now pending in the court of learned Additional Sessions Judge, Jind.

4. On 19.01.2023, the parties were directed to appear before the learned appellate Court to get recorded their statements 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.

5. In compliance of the order dated 19.01.2023, the learned Additional Sessions Judge, Jind has sent its report and the relevant portion thereof is reproduced as following:-

- “1. There are only three accused namely Ravinder, Sanjay and Pawan against whom complainant moved complaint and accordingly they were arraigned as accused in the FIR, no other person was involved in the incident either directly or indirectly.*
- 2. No accused has been declared proclaimed offender.*
- 3. The compromise is genuine, voluntarily and without any coercion or undue influence.*
- 4. None of the above appellant-convict namely Ravinder, Sanjay and Pawan is involved in any ther case.*
- 5. Complainant Rajender is the only victim of the present incident. Though scuffle also took place with the father of complainant, however, he suffered no major injury in the incident nor any medical qua father of complainant was produced before the investigating officer and now he has expired and therefore, his statement could not be recorded.”*
6. Learned counsel for the petitioners contend that the injuries attributed to the petitioners are simple in nature. The dispute has been amicably settled between the parties in terms of the compromise dated 10.09.2022 (Annexure P-3). The parties are the residents of same village and an amicable settlement will help in maintaining the cordial relations between them in future. The petitioners have preferred an appeal which is pending in the Court of learned Additional Sessions Judge, Jind, for 08.05.2023.

7. 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.

8. 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**.

9. 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.”*

10. Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, decided on 29.09.2021***, 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.

11. The parties are stated to be residing in the same village and the matter has been amicably settled with the intervention of co-villagers. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

12. 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. 103 dated 18.05.2016, registered under Sections 323, 452, 506 and 34 of the Indian Penal Code (for short `IPC`), at Police Station Pillu Khera, District Jind and all other consequential proceedings arising therefrom, as well as, judgment dated 30.07.2019 passed by the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Safidon, vide which the

petitioners have been convicted and sentenced, are ordered to be quashed. The petitioners are acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 30.07.2019 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

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

**April 19, 2023**  
vkd

**[Vivek Puri]**  
**Judge**

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