

265 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49293-2023

DATE OF DECISION:-19.12.2023

Neeraj and another

...Petitioners.

VS.

State of U.T. Chandigarh and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sudesh Kumar Khurcha, Advocate,
for the petitioners.

Ms. Vasundhra Dalal Anand, Addl. P.P. U.T. Chandigarh.

Mr. Sumit Kalyan, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.219 dated 12.12.2020, under Sections 323, 324, 325, 341, 506 and 34 IPC, registered at Police Station Industrial Area Chandigarh (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 09.08.2023 (Annexure P-2).

2. Briefly stated, the petitioners were arrayed as accused in the aforementioned FIR, lodged at the instance of respondent No.2-complainant, in which, they have been convicted and sentenced for a period of 03 months, vide order dated 12.07.2023 passed by the Principal

Magistrate of Juvenile Justice Board, Chandigarh and the appeal filed against the same is pending adjudication before the Appellate Court.

3. On 11.10.2023, this Court passed the following order:-

“The present petition has been filed for quashing of FIR No.219 dated 12.12.2020 registered under Sections 323, 324, 325, 341, 506 & 34 IPC at Police Station Industrial Area Chandigarh along with all subsequent proceedings on the basis of compromise.

Notice of motion.

On the asking of the Court, Ms. Vasundhara Dalal Anand, Addl. P.P., accepts notice on behalf of respondent No.1-U.T. Chandigarh, Mr.Sumit Kalyan, Advocate put in appearance on behalf of respondent No.2-complainant.

Learned counsel for the petitioner(s) is directed to supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Illaq Magistrate on 30.10.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.

Adjourned to 19/12/2023.”

4. In pursuance to the aforesaid order dated 11.10.2023 passed by this Court, whereby the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 07.11.2023 has been received from the concerned Court, stating that the compromise has been entered into by parties of their own will and volition and same is genuine, voluntary and without any coercion or undue influence.

5. Once, the compromise has been arrived at between the parties

without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

6. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052*** and ***Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***.

7. My aforesaid view is mainly derived from the proposition of law laid down by the Hon'ble Supreme Court in case of ***"Ram Gopal vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***. Relevant paras 18 and 19 thereof are reproduced hereunder:-

“18. It is now a well crystalized axiom that the plenary jurisdiction of this Court to impart complete justice under [Article 142](#) cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to [Section 482 Cr.P.C.](#) conferring powers on the Supreme Court to abrogate and set

aside criminal proceedings, the jurisdiction exercisable under [Article 142](#) of the Constitution embraces this Court with scopius powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the over-arching objective of sentencing in the criminal justice system, which is grounded on the sublime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

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.”*

8. Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainant, the offences committed by the petitioners thus, stand compounded.

9. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.219 dated 12.12.2020, under Sections 323, 324, 325, 341, 506 and 34 IPC, registered at Police Station Industrial Area Chandigarh along with judgment of conviction and order of sentence

dated 12.07.2023 passed by the Trial Court as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

10. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

19.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No