

**109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-2207-2022 (O&M)

DATE OF DECISION:-01.03.2023

Ajay Kumar and others

...Petitioners.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Dr. Deepak Jindal, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab,
for respondent-State.

Mr. Deshpreet Singh, Advocate for the complainants.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to the judgment dated 05.09.2022 passed by the court of learned Additional Sessions Judge, Fazilka, whereby the appeal filed against the judgment of conviction and order of sentence dated 29.03.2017 passed by the court of learned Judicial Magistrate First Class, Abohar, was dismissed with modification.

The facts of the case are that on account of an incident dated 07.06.2016, FIR No.42, dated 20.06.2016 came to be registered under Sections 325, 323/34 IPC, Police Station Khuian Sarwar, at the instance of injured-complainant/aggrieved persons, namely, Kamla Devi, Mohan Lal and Bajrang implicating the petitioners as accused. The trial court vide judgment of conviction and order of sentence dated 29.03.2017, awarded the sentence to the following effect:-

<i>Name of convict</i>	<i>Offence u/s</i>	<i>Sentence plus fine</i>	<i>In default of payment of fine</i>
Ajay Kumar	325/34 IPC	RI for 2 years + 1000/-	S.I. for 1 month
	323/34 IPC	6 months	--
Babu Lal	325/34 IPC	RI for 2 years + 1000/-	S.I. for 1 month
	323/34 IPC	6 months	----
Sonu	325/34 IPC	RI for 2 years + 1000/-	S.I. for 1 month
	323/34 IPC	6 months	----

All the sentences were ordered to run concurrently.

Aggrieved thereof, petitioners filed first appeal, which was dismissed with modification vide judgment dated 05.09.2022 passed by the court of learned Additional Sessions Judge, Fazilka, thereby upholding the conviction awarded by the trial court while decreasing the sentence of rigorous imprisonment from two years to one year for the offence under Section 325 IPC.

By way of present revision petition, the petitioners laid challenge to the aforesaid judgments passed by both the courts below.

During the pendency of present revision petition, better sense prevailed and the parties, who happened to be neighbours and residents of same village and same caste entered into a settlement, accordingly, the petitioners were released on interim bail vide order dated 16.11.2022 passed by this Court. The written compromise dated 23.12.2022 was placed on record of this case by way of CRM-2853-2023, which came to be allowed vide order dated 20.01.2023 with further direction to the parties to appear before the Illaqa Magistrate/trial Court for recording their statements.

In pursuance thereof, the parties appeared and got recorded their

statements as regards the veracity of the compromise arrived at between

them and a report dated 07.02.2023 has been received from the concerned court stating that the compromise is valid, genuine, voluntary and without any coercion or undue influence. It also finds mentioned in the report that there are total three accused, namely, Ajay Kumar, Babu Lal and Sonu and three complainant/aggrieved persons, namely, Kamla Devi, Bajrang and Mohan Lal. No accused has been declared as proclaimed offender.

In view of the above noted subsequent development, learned counsel for the petitioners submits that the parties having settled their disputes in order to burry their differences being neighbours and residents of the same village, the FIR in question be thus, quashed. For the said purpose, learned counsel for the petitioners places reliance upon judgment of this court passed in “*Kulwinder Singh and others vs. State of Punjab*”, 2007(3) RCR (Criminal) 1052 and “*Gian Singh vs. State of Punjab and another*”, 2012(4) RCR (CrI.)543.

In response, Mr. Deshpreet Singh, Advocate representing the complainant/aggrieved persons, accepting the factum of compromise dated 23.12.2022, raises no objection in this regard.

I have heard learned counsel for the parties and gone through the paper book.

The parties being residents of same village, same caste and neighbours, having settled their disputes so as to maintain peace and harmony and also for the betterment and safety of their generations to come, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, it would be rather in the interest of both the parties to render a complete quietus to the proceedings

and thus, no cause remains for this Court to invest further time and effort in adjudicating this revision petition on merits. My aforesaid view is mainly dervied from the proposition of law laid down by the Hon'ble Supreme Court in case of “**Ram Gopal vs. State of Madya 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 scopious 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 sumup 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.”*

Thus, in view of the discussion made hereinabove as well as

keeping in mind the law laid down in the aforementioned judgments, the

present petition is allowed. FIR No.42, dated 20.06.2016, registered under Sections 325, 323/34 IPC, Police Station Khuian Sarwar along with all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise arrived at between the parties on 23.12.2022 (Annexure P-1), subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

01.03.2023

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**(HARKESH MANUJA)
JUDGE**

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