127+221 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-59423-2022 (O&M)
DATE OF DECISION:-01.12.2023

Gurlal Singh and another ...Petitioners.

vs.

State of Haryana and others ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sachmeet Singh Randhawa, Advocate,
for the petitioners.

Mr. Viney Phogat, DAG, Haryana.
for respondent No.1-State.

Mr. Nitin Jain, Advocate,
for respondents No.2 and 3.

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HARKESH MANUJA, J.

CRM-50632-2023

Prayer in this application is for amendment in the main petition by adding Para No.4-A and 4-B.

Notice of the application.

Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of the respondent No.1, whereas, Mr. Nitin Jain, Advocate accepts notice on behalf of respondents No.2 and 3 and raise no objection to the application for amendment.

Having heard learned counsel for the parties and gone through the contents of the application, same is allowed and para No.4-A and 4-B be

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read as part and parcel of main petition, which are reproduced hereunder:-

> *"4-A That the petitioners were held guilty by the Court of ld. JMIC Panipat vide judgment dated 15.03.2016 for commission of offences punishable under Sections 420, 467, 468, 471 and 120-B IPC.*
>
> *4-B. That being aggrieved against the judgment and conviction, the petitioners had preferred and appeal bearing number CRA-73-2016, which is now pending in the Court of ld. Addl. Sessions Judge, Panipat for 06.12.2023."*

Amended petition is taken on record.

Main case

1. The prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.199 dated 26.07.2005, registered under Sections 420, 467, 468 and 471 IPC with Police Station Madlauda, District Panipat (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 05.12.2022 (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioners submits that the petitioners-accused have been convicted and sentenced vide judgment/order dated 15.03.2016 passed by the Judicial Magistrate Ist Class, Panipat. The appeal filed against the same is pending before the learned Additional Sessions Judge, Panipat and during its pendency, the parties have settled their differences with the intervention of elders and respectables and thus, prays for quashing of the FIR along with all subsequent proceedings arising therefrom.

3. Vide order dated 20.12.2022, this Court directed the parties to appear before Trial Court for getting their statements recorded in terms of

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certain parameters given in the aforesaid order with regard to the compromise (Annexure P-2).

4. In pursuance of order dated 20.12.2022 passed by this Court, parties appeared before the court of learned Additional Sessions Judge, Panipat and a report dated 01.02.2023 has been received from the concerned court, stating that the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence.

It is pertinent to mention here that as per FIR, there were four accused, however, two accused namely, Subeg Singh and Zile Singh have already expired and the remaining two accused i.e. Gurlal Singh and Rajpal (present petitioners) have compromised the matter with the legal representatives of complainant-Raman Kumar (since deceased), who specifically stated they have no objection, if the appeal of Subeg Singh etc. is allowed on the basis of compromise. Petitioners-accused have not been declared as proclaimed offender.

5. The Hon'ble Supreme Court in ***"Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322",*** has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance with the direction issued by the 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.*** Paras 19 and 20 of *Ramgopal's* case (supra) are relevant, which are reproduced hereunder for reference:-

"*19. We thus sumup and hold that as opposed to*

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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 extra-ordinary 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.

20. Having appraised the aforestated parameters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

Firstly, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature;

Secondly, the nature of injuries incurred, for which the Appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest;

Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been concluded or their appeal(s) against conviction stand dismissed;

Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

Sixthly, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close

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> *vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and*
>
> *Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age."*

6. Thus, in view of the aforesaid report, accompanied by statements of both the parties, the nature of offence, besides for the purpose of maintaining peace among them and their generations to come as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.199 dated 26.07.2005, registered under Sections 420, 467, 468 and 471 IPC with Police Station Madlauda, District Panipat and judgment/order dated 15.03.2016 passed by the learned Judicial Magistrate Ist Class, Panipat as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

01.12.2023 **(HARKESH MANUJA)**
sonika **JUDGE**

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

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