

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-1762-SB-2006
Reserved on: 09.12.2024
Pronounced on: 19.12.2024

Narinder Singh and another
V/s
State of Punjab

...Appellants

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karanjit Singh, Advocate
for the appellants.

Ms. Swati Batra, D.A.G., Punjab.

Mr. Ashutosh Sharma, Advocate
for the complainant.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
78	21.07.2001	Kathunangal, Majitha, Amritsar	307, 326, 324, 323, 506 r/w 34 IPC

Case No.	SC No. 176/2005 Sessions Trial No. 29/2006 Date of Decision: 07.08.2006
----------	---

Convict's name	Penal provision	Sentence
Narinder Singh	307/34, 326, 324, 323/34 IPC	Substantive sentence: RI for six years
Santokh Singh	307, 326/34, 324, 323 IPC	Substantive sentence: RI for six years

1. The convicts/appellants had been convicted and sentenced in the matter captioned above, has come up before this court by filing the present appeal for setting aside of their conviction and order of sentence by filing appeal.
2. In the above-captioned sessions trial, Narinder Singh and Santokh Singh- accused were prosecuted for committing an offense punishable under Sections 307 r/w 34 IPC. Vide judgment dated 07.08.2006, persons, namely Narinder Singh and Santokh Singh (appellants), were found guilty and were convicted under Sections 307, 307/34, 326, 326/34, 324, 323, 323/34 IPC and sentenced accordingly.

3. During the pendency of the appeal, the appellants filed an application under Section 528 BNSS, claiming that they have settled their dispute with the victim /private respondent by entering into a compromise. He has also annexed a copy of the compromise in the said application as Annexure P-4.

4. The State has opposed the compromise.

5. On 06.11.2006, a Co-ordinate Bench of this Court had suspended the sentence of convict Santokh Singh on the ground that he has undergone 01 year and 04 months of sentence out of 06 years and the Court had taken note of the statement made by counsel for convict that the convict has also received injuries. Later on, the sentence of the co-accused Narinder Singh was also suspended vide order dated 27.03.2008 after he has undergone 01 years and 08 months of sentence. It remain undisputed that on 05.09.2020, convict Narinder Singh who was brother of Santokh Singh had expired. On 01.11.2021, the Court had taken on record the compromise deed dated 06.04.2019 Annexure P-3 and complainant was impleaded as respondent No.2. On 01.03.2023, a Co-ordinate Bench of this Court took notice of death certificate issued from Department of Health and Family Welfare Department, Punjab mentioning the death of convict Narinder Singh who was expired on 05.09.2020, as such the appeal filed by Narinder Singh was abetted. Now, the present appeal is only confined to Santokh Singh- surviving appellant. On 24.09.2024, CRM No.37920 of 2024 was withdrawn with liberty to file fresh one with better particulars. Subsequently, in CRM No.40037 of 2024, this Court permitted the convict and the victim to get their statements recorded in the format prescribed in the order.

6. Given the compromise between the parties, this court had asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:-

Name of the reporting Court	Ms. Heena Aggarwal, JMIC, Amritsar
-----------------------------	------------------------------------

FIR No.	Dated	Police Station	Sections
78	2001	Kathunangal, Majitha, Amritsar	307, 326, 324, 323, 506 IPC 1860 read with 34 IPC

Criminal Case no. before trial Court	
--------------------------------------	--

1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Surjit Singh
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved	25.11.2024

	persons(s) were recorded	
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes. The identity of the complainant has been verified by Sh. Sajan Sharma, Advocate
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Narinder Singh and Santokh Singh. However, the accused Narinder Singh has expired on 05.09.2020.
7.	Dates on which the statement(s) of the accused persons(s) recorded	25.11.2024
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes. There are two accused persons namely Narinder Singh and Santokh Singh and the statement of accused Santokh Singh has been recorded as the matter has been compromised with him. Moreover, the accused Narinder Singh has been died and his death certificate is placed on record.
9.	Whether the court is satisfied with the genuineness of the compromise?	Yes. This Court is satisfied with the genuineness of the compromise.

7. Statement of Santokh Singh is extracted as follows:-

“Stated that the FIR No.78/2001 u/s 307, 326, 324, 323, 506 read with Section 34 IPC was registered at P.S. Kathunangal against me and Narinder Singh s/o Darshan Singh on the statement of Surjit Singh s/o Tarlok Singh r/o Village Khhere Bala Chak, Tehsil Baba Bakala, District Amritsar. Accused Narinder Singh was my brother who expired on 05.09.2020. I have brought the Original death certificate of my brother and the petitioner No.1 Narinder Singh and the copy of the same is Ex.P3. Now the matter has been compromised with the intervention of respectables of the society without any pressure, coercion or undue influence. The compromise effected between us in voluntarily genuine and without any coercion or any undue influence. The original compromise has already been submitted in the Hon’ble High Court of Punjab and Haryana and the copy of the same is Mark A. I have brought my Adhar Card and the copy of the same is Ex.P1. I have not been declared proclaimed offender in this case. I am not involved in any other case. Now we have no grudge against each other. Kindly the instant FIR may be quashed or judgment of conviction and order of sentence may kindly be set aside against me in view of the compromise.”

8. It would be relevant to extract paras no.3,4 and 5 of CRM No.40037 of 2024 which reads as follows:-

“3. That during the pendency of the appeal the matter between the parties have been compromised vide compromise deed dated 05.09.2023. Copy of the same is annexed as Annexure P-4.

4. That it is pertinent to mention here that both the parties are collaterals. The applicants/appellants are uncles of the complainant. In the background of the present dispute was land dispute between the parties which has also been settled and civil suit between the parties has been decreed as per the compromise.

5. That both the parties are collaterals and are residents of the same village and for the betterments of the future they have compromised the matter to keep health cordials relations.”

9. The parties are neighbors, and the incident occurred due to a land dispute. They might have stayed in the same community for generations and would have helped each other on numerous occasions. Even after the quarrel, they buried the hatchet, settling the dispute. Given this background, this court should also step forward by closing this continuing cause of bitterness.

10. It would be relevant to refer to the judicial precedents in which the convictions were set aside based on the compromise.:

a). In Ram Prasad and Another v. State of Uttar Pardesh, Cr.A Nos. 308-309 of 1980, decided on April 21, 1980, Hon’ble Supreme Court converted the conviction from 307 IPC to 324 IPC and after that based on compromise, accepted the compounding of offence under section 324 IPC and acquitted the appellants.

b). In Ramji Lal v. State of Haryana, (1983) 1 SCC 368, Hon’ble Supreme Court, in a matter arising against the conviction under section 325 IPC, held,

[5]. All the offences for which the appellants are convicted are compoundable and the compromise can be entered into with the permission of the court. Looking to the chastened attitude of the accused and the commendable attitude of the injured complainant, in order to restore harmony in the society, we accept the compromise. We grant permission to enter into the compromise and accept the same. We accordingly allow the appeal and set aside the conviction and sentence imposed on both the appellants. If they are on bail, their bail-bonds will be cancelled. If they are in jail, they will be released from the jail forthwith.

c). In Mohd. Rafi v. State of U.P., 1998(2) R.C.R.(Criminal) 455, Supreme Court, the convict had gone to Hon’ble Supreme Court against his conviction by the trial Court under Sections 323 and 325 of IPC, which was upheld by Sessions and High Court. After that, the convict and the

victim entered into an out-of-court compromise. Hon'ble Supreme Court analyzed the parties' affidavits filed in support of the compromise and observed that parties had willingly and voluntarily settled the matter. To maintain good relations, Hon'ble Supreme Court granted permission to them to compound the said offenses and order the acquittal.

d). In *Parameswari v. Vennila*, (2000) 10 SCC 348, the appellants before Hon'ble Supreme Court had been convicted under Section 494 read with Section 109 of IPC. After that, they arrived at a settlement with the complainant, in the presence of panchayatdars of their village, and placed on record the duly signed compromise, and parties filed a joint application for permission to compound the offences. While observing that the offence involved was compoundable with the wife's consent and permission of the Court, Hon'ble Supreme Court granted permission to compound the offence, and resultantly the appellants stood acquitted of the offence for which they have been held guilty.

e). In *M.D. Balal Mian v. State of Bihar*, 2001 AIR (SCW) 5190, out of three convicts, one was convicted under Section 376 IPC, and the other two were convicted only under Sections 325 & 323 of IPC. After the High Court confirmed the conviction and sentence, all three convicts approached Hon'ble Supreme Court. Although Hon'ble Supreme Court did not find any scope for granting special leave by the convict challenging his conviction under section 376 IPC, however, granted the other permission to the other two convicts to compound the offences under Section 320 (8) of the Criminal Procedure Code and acquitted both of them.

f). In *Vuyyuru Ramachandra Rao v. State of Andhra Pradesh*, 2001 AIR (SCW) 2396, the appellant had approached the Hon'ble Supreme Court against upholding the conviction under section 354 IPC. The victim of molestation came to terms with the convict and applied to compound the offence. Hon'ble Supreme Court allowed such application for compounding and resultantly acquitted the appellant under Section 320 (8) of the Criminal Procedure Code.

g). In *Ramachandra Singh v. State of Bihar*, 2003(10) SCC 234, Hon'ble Supreme Court holds,

[5]. We have heard learned counsel for the appellants and the state and taken into, consideration the fact and circumstances of the case. In view of the compromise it

appears that grievance, if any, of the complainant KamleshKumari Devi is over. Indeed in view of the compromise the accused appellants stand acquitted of the offence under Section 323 Indian Penal Code. In such circumstances the sentence passed by the trial Court and maintained by the High Court deserves to be modified so far as offence under Section 498A Indian Penal Code is concerned.

[6]. The appeal is partly allowed. The conviction of appellant Nos. 1 and 2 under Section 498A Indian Penal Code is maintained, but the sentence of imprisonment passed on them for offence under Section 498-A is reduced to the period already undergone. In so far as appellant No. 3 is concerned, in our opinion, it will meet the ends of justice if he is dealt with under Section 4 of the Probation of Offenders Act, 1958, and released on probation of good conduct. The sentence of imprisonment passed on appellant No. 3 is set aside and it is directed that he shall be released on his entering into a bond with one surety in an amount of Rs. 5000/- to appear before the trial Court and receive sentence on being called upon during a period of one year and in the meantime to keep the peace and be of good behaviour.

h). In K. Kandasamy v. K.P.M.V.P. Chandrasekaran, (2005) 4 SCC 349, based on the compromise, Hon'ble Supreme Court acquitted the appellants/convicts of the offence under Section 500 Indian Penal Code.

i). In Khursheed and others v. State of U.P, Appeal (crl.) 1302 of 2007, decided on 28-9-2007, the appellants were convicted by Trial Court under sections 325, 323 read with 34 IPC. Their appeal against conviction was dismissed by the Sessions Court and revision petition was also dismissed by High Court. The convicts approached the Apex Court and Hon'ble Supreme Court held,

[12]. An offence of causing grievous hurt punishable under Section 325 IPC is covered by sub- section (2) of Section 320 of the Code. It is thus clear that an offence punishable under Section 325 IPC is also compounded with the permission of the Court.

[13]. The parties have compounded the offences. As stated in the compromise deed, Gurfan Ahmad, complainant and his mother Kulsoom @ Bhoori (injured) did not want any action against the appellants (accused). The parties are neighbours, their houses are situated adjacent to each other and they have been living peacefully for last many years and there is no dispute among them. It is further stated that to continue sweet relationship and harmony, complainant side does not want to take any action against the accused. A prayer is, therefore, made to accept the compromise.

[14]. On the facts and in the circumstances of the case, and considering the Deed of Compromise and having

heard learned counsel for the parties, in our opinion, ends of justice would be met if we grant necessary permission for compounding an offence punishable under Section 325 read with Section 34 IPC as required by sub-section (2) of Section 320 of the Code. The offence punishable under Section 323 IPC has already been compounded by the parties.

[15]. Sub-section (8) of Section 320 states that the compounding of offence under the section shall have an effect of acquittal of the accused with whom the offence has been compounded. The resultant effect of compounding of offences would be that the accused should be acquitted. In other words, once the offences have been compounded and the requisite permission is granted by the Court, the accused must be acquitted.

j). In *Dr. Arvind Barsaul etc. v. State of Madhya Pradesh*, (2008) 5 SCC 794, after the conviction under section 498-A IPC, the victim wife and the convict husband had compromised their disputes and sought setting aside of conviction based on the compromise. Hon'ble Supreme Court holds as follows,

[10]. We have heard learned counsel for the parties at length. The parties have compromised and the complainant Smt. Sadhna Madnawat categorically submitted that she does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under section 498A Indian Penal Code. The appeal is accordingly disposed of.

k). In *Manoj & Anr. v. State of Madhya Pradesh*, Cr. A No. 1530 of 2008, Hon'ble Supreme Court, based on compromise, accepted the compounding of the offence under section 324 IPC and acquitted the appellants.

l). In *Md. Abdul Sufan Laskar v. State of Assam*, (2008) 9 SCC 333, based on a compromise, Hon'ble Supreme Court set aside the conviction and sentence under section 324 IPC. Hon'ble Supreme Court took similar views in *Mathura Singh v. State of U.P.*, 2009(13) SCC 420 and in *Gampa Govindu v. State of Andhra Pradesh thr. Public Prosecutor*, 2008(sup) Cri. L.R. 440: Law Finder Doc Id # 521064.

m). In *C.Muniappan Vs. State of Tamil Nadu*, 2009 13 SCC 790, after the conviction and sentence under section 302 IPC, the deceased's family

had compromised the matter with the accused. Rejecting the compromise, Hon'ble Supreme Court observed that once the parties have settled their disputes, they could live in peace, but that cannot be a ground to pass a judgment of acquittal.

n). In *Gampa Govindu v. State of Andhra Pradesh*, Law Finder Doc Id # 521064; 2008(1) OriLR839, Hon'ble Supreme Court holds,

[3]. The Trial Court convicted the sole appellant under Section 326 of the Indian Penal Code [hereinafter referred to as "I.P.C."] and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rupees one thousand; in default, to undergo further simple imprisonment for a period of one month. On appeal being preferred, the Sessions Court confirmed the conviction and sentence. When the matter was taken to the High Court in revision, the conviction and sentence under Section 326 I.P.C. have been set aside and the appellant has been convicted under Section 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. Before this Court, a joint petition of compromise has been filed wherein it has been stated that the parties have settled their disputes; as such, they be permitted to compound the offence. In our view, the prayer is just and must be granted. Accordingly, the criminal appeal is allowed and the conviction and sentence awarded against the appellant are set aside, in view of the compounding.

o). In *Hirabhai Jhaverbhai v. State of Gujarat*, (2010) 6 SCC 688, permitting the parties to compromise the conviction under section 324 IPC, Hon'ble Supreme Court holds, "The injured complainant and two other injured are permitted to compound the offence punishable under Section 324 Indian Penal Code. In view of sub-section (8) of Section 320 of the Code of Criminal Procedure, the composition of offence under section 324 Indian Penal Code shall have the effect of an acquittal of the appellant with whom the offence has been compounded."

p). In *Surat Singh v. State of Uttaranchal* (Now Uttarakhand), 2012(12) SCC 772, Hon'ble Supreme Court, based on compromise, permitted the parties to compound their offences under section 354 and 506 IPC.

q). In *Jeetu Vs. State of Chhattisgarh*, 2013 11 SCC 489 it is the duty of the appellate Court to arrive at its own independent conclusion after examining the material on record. This exercise has however to be conducted after considering the material on record. There is no power conferred by the Code either on the appellate Court/revisional Court to

acquit an accused convicted for a commission of a non-compoundable offence only on the ground that compromise has been entered into between the convict and the informant/complainant.

r). In *Dasan v. State of Kerala*, **2014:INSC:54 [Para 10]**, (2014) 12 SCC 666, the Hon'ble Supreme Court converted the conviction from 326 IPC to 325 IPC and, based on compromise, accepted the compounding of the offence under section 325 IPC and acquitted the appellant.

s). In *Padmalayan v. Sarasan*, (2014) 13 SCC 798, Hon'ble Supreme Court permitted post-conviction compromise for offence under section 324 IPC.

t). In *Sathiyamoorthy v. State*, 2014(3) R.C.R.(Criminal) 867, after observing that after the compromise they have been staying peacefully in the village. It is in the interest of both sides to bury the hatchet and lead a peaceful life, Hon'ble Supreme Court holds,

[6]. Offences under Sections 341 and 325 are compoundable. In view of the settlement they can be permitted to be compounded. However, offences under Sections 148 and 149 of the IPC are not compoundable. Hence, permission to compound them cannot be granted. However, since the accused and the victim have entered into a compromise, we feel that it would be in the interest of both sides to reduce the sentence awarded to the accused under Sections 325 and 341 of the IPC to the sentence already undergone.

[7]. In *Ram Lal and anr. v. State of J & K*, 2000(1) R.C.R. (Criminal) 92 : (1999)2 SCC 213 the accused were convicted for offence under Section 326 of the IPC, which is non-compoundable. Looking to the fact that the parties had arrived at a settlement and victim had no grievance, this Court reduced the sentence for the offence under Section 326 to sentence already undergone by the appellants-accused. We are inclined to follow similar course.

8. In the result, the appeal is partly allowed. The offences under Sections 341 and 325 of the IPC, for which the appellants are convicted, are permitted to be compounded because they are compoundable. The appellants are acquitted of the said offences. The appellants are stated to have undergone more than six months imprisonment. So far as offences under Sections 148 and 149 of the IPC are concerned, the conviction of the appellants for the said offences is reduced to the sentence already undergone by them subject to the appellants paying L 30,000/- as compensation to victim-Murugesan. Compensation be paid within three months from the date of this judgment.

u). In *Deva Ram v. State of Rajasthan*, **2014:INSC:505 [Para 5]**, (2014) 13 SCC 275, the appellant was convicted by Trial Court under section 420 IPC. His appeal against conviction was dismissed by the Sessions Court and revision petition was also dismissed by High Court. The convict approached the Apex Court and Hon'ble Supreme Court held,

[5]. We are informed that out of two years imprisonment the appellant has undergone six months imprisonment. Offence under Section 420 of the IPC is compoundable with the permission of the court by the person who is cheated. Since the parties are related to each other and they have decided to accord a quietus to their disputes and live peacefully, we permit them to compound the offence. Hence, the offence under Section 420 of the IPC for which the appellant was convicted is compounded because it is compoundable with the permission of the court. The appellant is acquitted of the said charge.

v). In *Ravinder Kaur v. Anil Kumar*, **2015:INSC:301**, (2015) 8 SCC 286, Hon'ble Supreme Court, in a matter arising out of conviction, permitted the compounding of offence under section 494 IPC.

w). In *Shankar Yadav v. State of Chhattisgarh*, Cr.A 982 of 2017 Law Finder Doc Id # 877762, Hon'ble Supreme Court while permitting post-conviction compromise, by holding the offence to fall under section 324 IPC, held,

[8]. Having regard to the facts and circumstances of the case, we see no reasons to refuse permission to the parties who have compromised the offences which were compoundable under the Code as it stood in 1998. If it is so, compounding can be permitted and the appellants-accused can be acquitted in view of Section 320 (8) of the Cr.P.C., which expressly enacts that where the composition of an offence under this section is recorded by the court, it shall have effect of an acquittal of the accused with whom the offence has been compounded. We order accordingly.

x). In *Sube Singh v. State of Haryana*, **2013:PHHC:026805-DB [Para 17, 21]**, 2013 (4) RCR (Cri) 102, a Division Bench of this Court holds,

[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.

[21]. In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No. 2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

11. The offences in the present case are 307, 326, 324 IPC which are not compoundable under Section 320 CrPC. However, in the facts and circumstances peculiar to this case, the prosecution qua the non-compoundable offenses can be closed by quashing the FIR and consequent proceedings.

12. In B.S. Joshi v. State of Haryana, 2003(4) SCC 675, Hon'ble Supreme Court holds,

[14]. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Sections 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter-productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code.

[15]. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

13. In Saloni Rupam Bhartiya v. Rupam Prahlad Bhartiya, 2015(4) R.C.R.(Criminal) 172, a three Judge Bench of Hon'ble Supreme Court holds,

[4] ...It was submitted by learned counsel for the parties that in the light of the above subsequent developments especially the fact that the marriage between the parties itself stands dissolved by a decree passed by a competent court, nothing really remained between the parties to be addressed and that the conviction of the respondent-husband under Section 498A of the Indian Penal Code could be set aside. We see no reason to

decline that prayer. In the circumstances, therefore, and in the light of the fact that the parties have successfully negotiated an amicable settlement sinking and resolving all their differences and disputes and finding a lasting solution on all the outstanding issues between themselves, we see no reason why the conviction recorded by the courts below and the sentence of imprisonment till the rising of the Court, which the respondent has already undergone should continue to blemish the respondent-husband. We accordingly set aside the judgment and order of conviction of the respondent under Section 498A of the Indian Penal Code.

14. In *Ramgopal v. The State of Madhya Pradesh*, *Cr.A 1489 of 2012*, decided on 29.09.2021, Hon'ble Supreme Court holds,

[11]. True it is that offences which are 'non-compoundable' cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of 'compoundable' offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

[12]. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

[13]. It appears to us those criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck postconviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be

no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh & Ors. vs. State of Punjab & Ors.* [(2014) 6 SCC 466, ¶ 29], and *Laxmi Narayan* [(2019) 5 SCC 688, ¶ 15].

[14]. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed between two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a ‘settlement’ through duress, threats, social boycotts, bribes or other dubious means. It is well said that “let no guilty man escape, if it can be avoided.”

15. Although the parties have compromised the matter and also that the applicant is stated to have received injuries in the same scuffle, but another fact is that convict was sentenced by the Sessions Court for commission of offence under Section 307 IPC, thus the ends of justice would meet if the convict is sentenced is reduced to the period already undergone i.e. 01 year and 04 months by him.

16. The convict has already served around 01 year and 04 months of the sentence out of 06 years and he undertakes to pay the fine if it has not been paid. Let the fine be deposited by Jaunary 31, 2025. In the entirety of the fact of the case and judicial precedents, the continuation of these proceedings qua convict Santokh Singh will not serve any fruitful purpose whatsoever. Given the above, because of the compromise, this is a fit case where sentence can be reduced to the period already undergone subject to payment of fine.

17. Given above, the judgment of conviction is affirmed and keeping in view the compromise and other mitigating factor of the appellant, the sentence is reduced to the period already undergone by him. Appeal is partly allowed. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

19.12.2024

Jyoti Sharma

Whether speaking/reasoned : Yes

Whether reportable : NO