

399-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-4284-SB-2016 (O&M)
DATE OF DECISION:-11.03.2024

Davinder Singh and others ...Appellants.

Vs.

State of Punjab ...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harpreet Puri, Advocate for
Mr. C.M. Munjal, Advocate for the appellants.

Mr. Athar Ahmed, DAG, Punjab.

Mr. Satyam Arora, Advocate,
for the complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present appeal, challenge has been laid to the judgment of conviction and order of sentence dated 03.11.2016 passed by the court of learned Additional Sessions Judge, Sri Muktsar Sahib, whereby the appellants were convicted and sentenced to the following effect:-

<i>Sr. No.</i>	<i>Name of accused</i>	<i>Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	Davinder Singh	323 IPC	RI for 6 months	Rs.1000/-	01 month
2	Gurjeet Singh	325 IPC	RI for 3 years	Rs.5000/-	03 months
3	Gonny @ Kamaljit Singh	323 IPC	RI 6 months	Rs.1000/-	1 month
4	Harjit Singh	323 IPC	RI 6 months	Rs.1000/-	01 month
5	Nishan Singh	323 IPC	RI 6 months	Rs.1000/-	01 month

accused in cross version case bearing DDR No.18 under Sections 323, 148, 149 IPC recorded in FIR No.46, dated 13.05.2014, registered under Sections 308, 325, 148 and 149 IPC, Police Station Lambi, District Sri Muktsar Sahib at the instance of victim/complainant, with the averments that the appellants inflicted injuries upon the complainant party. Finding a prima facie case, charges under Sections 325, 323, 148 read with Section 149 and 447 IPC, were framed against the appellants, to which, the accused pleaded not guilty and claimed trial.

3. The Trial Court vide judgment of conviction and order of sentence dated 03.11.2016, convicted and sentenced the appellants as mentioned above.

4. Aggrieved thereof, the appellants-accused filed present appeal. The appeal was admitted and sentence of the appellant was suspended vide order dated 13.12.2016 passed by this Court.

5. During the pendency of instant appeal, a compromise has been effected between the parties, who happened to be co-villagers and in pursuance of last order dated 15.05.2023 passed by this Court, whereby 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 17.07.2023 has been received from the concerned Court, stating that the compromise which has been entered into by the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

6. In view of the above noted subsequent development, learned counsel for the appellant submits that the parties having settled their disputes in order to bury their differences being co-villagers, the cross-

version case in question be thus, quashed by permitting the parties to compound the offences under Sections 325, 323, 148 read with Section 149 and 447 IPC. For the said purpose, learned counsel for the appellants 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 (Crl.)543.

7. In response, learned counsel representing complainant, accepting the factum of compromise deed dated 21.12.2018 (Annexure P-1), raises no objection in quashing of cross-version case as mentioned above as well as other proceedings arising out of the same.

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

9. The parties being co-villagers, 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 is rather in the interest of both the parties to render a complete quietus to the criminal proceedings and thus, in terms of settlement no cause remains for this Court to invest further time and effort in adjudicating this appeal 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."*

10. Thus, in view of the above as well as keeping in mind the law laid down in the aforementioned judgments, the present appeal is **allowed**. DDR No.18, under Sections 323, 148, 149 IPC recorded in FIR No.46, dated 13.05.2014, registered under Sections 308, 325, 148 and 149 IPC, Police Station Lambi, District Sri Muktsar Sahib along with all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 03.11.2016, are hereby **set aside** qua the appellants, on the basis of compromise arrived at between the parties on 21.12.2018 (Annexure A-1) resultantly, appellants-accused stand **acquitted** subject to payment of costs of Rs.50,000/- to be deposited by the appellants with Poor Patient Welfare Fund, PGIMER, Chandigarh, within a period of two weeks

from the date of receipt of certified copy of this order.

Pending application(s), if any, shall also stands disposed of.

11.03.2024
sonika

(HARKESH MANUJA)
JUDGE

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