



227 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-17107-2022 in/and
CRA-S-523-SB-2017
DATE OF DECISION:-14.05.2024

Satpal Singh and others ...Appellants.
Vs.
State of Punjab ...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. VPS Mithewal, Advocate
for the appellants.

Mr. Rahul Jindal, AAG, Punjab.

Mr. Vikram Satpal Anand, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

CRM-17107-2022

Prayer in this application is for fixing the main appeal for some actual date of hearing as the matter has been compromised between the parties by way of Panchayati Compromise dated 22.10.2020.

Heard.

Since the matter has been compromised between the parties, with their consent, therefore, the main appeal is taken on board today itself for hearing and final disposal. Panchayati Compromise dated 22.10.2020 appended along with the application as Annexure A-2 is taken on record.

CRM stands disposed of.

CRM-48092-2023

Through this application filed under Section 320 Cr.P.C. read with Section 482 Cr.P.C., the applicants-appellants have sought compounding of offence in view of the compromise arrived at between the parties.

Learned counsel for the complainant submits that he has no objection in case the application is allowed as the matter has been compromised between the parties.

Having heard learned counsel for the parties and gone through the contents of the application, same is allowed.

Main case

1. By way of present appeal, challenge has been laid to the judgment of conviction and order of sentence dated 25.01.2017 passed by the court of learned Additional Sessions Judge, Sangrur, 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	Satpal Singh	324 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		324/149 IPC	RI for 1½ year	Rs.1000	RI for two months
		323/149 IPC	RI for 01 year	---	---
2	Balwinder Singh	324 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		324/149 IPC	RI for 1½ year	Rs.1000	RI for two months
		323/149 IPC	RI for 01 year	---	---
3.	Buta Singh	324 IPC	RI for 1½ years	Rs.1000/-	RI for two months

		148 IPC	RI for 01 year	--	---
		324/149 IPC	RI for 1½ year	Rs.1000	RI for two months
		323/149 IPC	RI for 01 year	---	---
4.	Rupinder Singh @ Sukhwinder Singh	324 IPC read with Section 149 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		323 IPC	RI for 01 year	--	---
5	Gurpreet Singh	324 IPC read with Section 149 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		323 IPC	RI for 01 year	--	---
6.	Balvir Singh	324 IPC read with Section 149 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		323 IPC	RI for 01 year	--	---
7.	Lakhwinder Singh	324 IPC read with Section 149 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		323 IPC	RI for 01 year	--	---
8.	Rupinder Kaur @ Papinder Kaur	324 IPC read with Section 149 IPC	RI for 1½ years	Rs.1000/-	RI for two months
		148 IPC	RI for 01 year	--	---
		323 IPC	RI for 01 year	--	---

3. Briefly stating, in the present case, appellants were arrayed as accused in case FIR No.37 dated 27.04.2014 registered under Sections 148, 323, 324, 307, 447, 511 & 149 IPC, Police Station Khanauri, District Sangrur at the instance of complainant, namely, Kirpal Singh, with the averments that the appellants inflicted injuries upon him and one Rashpal Singh. Finding a prima facie case, charges under Sections 148, 307, 323, 324, 448, 511 read

with Section 149 IPC, were framed against the appellants, to which, the accused pleaded not guilty to the charge and claimed trial.

4. The Trial Court vide judgment of conviction and order of sentence dated 25.01.2017, convicted and sentenced the appellants as mentioned above.

5. Aggrieved thereof, the appellants approached this Court by way of present appeal, which was admitted and sentence of the appellants was suspended by this Court vide order dated 09.02.2017.

6. During the pendency of present appeal, a panchayati compromise (Annexure P-2) has been arrived at between the parties, who happened to be co-villagers.

7. In view of the above noted subsequent development, learned counsel for the appellants submits that the parties having settled their disputes in order to bury their differences being co-villagers, the FIR in question be thus, quashed by permitting the parties to compound the offences under Sections 148, 323, 324, 307, 447, 511 & 149 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.

8. In response, learned counsel representing complainant, accepting the factum of panchayati compromise (Annexure A-2), raises no objection in quashing of the FIR as well as other proceedings arising out of the same.

9. Moreover, learned counsel for the appellants on instructions from his clients, submit that they volunteer to serve public cause by providing two (02) Blue Star Water Coller (full steel body) to Government Hospital,

Sangrur

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

11. 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.”

12. Thus, in view of the above as well as keeping in mind the law laid down in the aforementioned judgments, present appeal is **allowed**. FIR No.37 dated 27.04.2014 registered under Sections 148, 323, 324, 307, 447, 511 & 149 IPC, Police Station Khanauri, District Sangrur along with all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 25.01.2017, are hereby **set aside** qua the appellants, on the basis of panchayati compromise arrived at between the parties (Annexure A-2) resultantly, appellants-accused stand **acquitted** subject to providing two (02) Blue Star Water Coller (full steel body) to Government Hospital, Sangrur, within a period of two weeks from today as volunteered by the appellants against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

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

14.05.2024

sonika

(HARKESH MANUJA)
JUDGE

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