

2024:PHHC:108113



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA S-558-SB of 2014 (O&M)
Date of Decision: 20.08.2024

Pritpal Singh and another ...Petitioners
Versus
Lachmman Singh and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sukhjit Singh, Advocate for the appellants.
Mr. G.B.S. Dhillon, Advocate, for the respondents.

N.S.SHEKHAWAT, J. (Oral)

1. On the oral request made by learned counsel for the parties, the main case is also taken up on board today for final disposal.
2. The appellants, namely, Pritpal Singh and Saroop Singh had filed the present appeal against the impugned judgment and order dated 20.11.2013 passed by the Court of Additional Sessions Judge, Ludhiana, whereby, the appellants were held guilty and convicted for committing the offence punishable under Sections 452, 323 and 34 IPC and were sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs. 2,000/- each alongwith default stipulation under Section 452 IPC. They were also sentenced to undergo rigorous imprisonment for six months under Section 323 IPC.

3. During the pendency of the present appeal, the parties had filed an application (CRM 6584 of 2020) with a prayer to dispose off the main appeal in view of the compromise dated 15.09.2017 between the appellants and the complainant party and to permit them to compound the offences on the basis of compromise (Annexure A-1) between the complainant and the appellants.

4. Vide order dated 18.03.2024, an opportunity was granted to the parties for recording of their statements before the trial Court regarding the factum of compromise. Thereafter, both the parties appeared before the Court of Judicial Magistrate 1st Class, Jagraon and the statements of Rajinder Singh and Lachman Singh from the complainant side were recorded and both of them stated that they had compromised the matter with the appellants and they had no objection in case the appellants are acquitted by this Court.

5. After recording the statement of both the parties, the Court of Judicial Magistrate 1st Class, Jagroan, prepared a detailed report, confirming the factum of compromise between the parties. The Judicial Magistrate 1st Class, Jagraon, recorded his satisfaction that the compromise between the parties was genuine, voluntary and without any coercion or undue influence.

6. Learned counsel for the appellants submits that the matter has been compromised between the parties and the dispute had been amicably settled, consequently, the present appeal may be

allowed and the impugned judgment of conviction and order of sentence passed by the trial Court may be set aside.

7. Learned counsel for the appellants has relied upon the law laid down by the Hon'ble Supreme Court in the matter of ***Ramgopal and another Vs. State of Madhya Pradesh, 2021 SCC Online SC 834*** to contend that the criminal proceedings being purely personal and private in nature, can be set aside by this Court even if there is a conviction of the petitioners under Section 498-A and 307 of IPC. Learned counsel further relied upon the judgment of a Division Bench passed by this Court in the matter of ***Sube Singh and another Vs. State of Haryana and another, CRM-M-38140-2011***, decided on 09.04.2013 and the judgment passed by the Hon'ble Supreme Court in the matter of ***Narinder Singh and Others Vs. State of Punjab and another, Criminal Appeal No.686 of 2014***, decided on 27.03.2014.

8. Still further, on the other hand, learned counsel appearing on behalf of the respondent submits that he has no objection in case the impugned judgment of conviction and order of sentence passed by the trial Court are set aside and the appellants are acquitted of the charges.

9. The only question, which arises for consideration before this Court is whether this Court can quash the instant FIR along with the judgment of conviction/sentence, while exercising the inherent powers provided under Section 482 Cr. P.C. Section 482 Cr.P.C., which deals with inherent power of the High Court reads as under:-

“482. Saving of inherent powers of High Court. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

10. From the scheme of the Code of Criminal Procedure, it is apparent that the offences, which are non-compoundable under Section 320 Cr.P.C cannot be compounded by a Criminal Court, However, Section 320 Cr.P.C is not an embargo against invoking inherent powers of this Court under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of the case and for justifiable reasons can exercise its inherent powers under Section 482 Cr.P.C. to prevent abuse of the process of any court, or to secure the end of justice. Thus, the High Court can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. In so far as power of quashing under Section 482 Cr.P.C. is concerned, it is guided by the material on record as to whether the ends of justice would justify such exercise of power, even though the ultimate consequence may be acquittal of the accused. The Division Bench of this Court in Sube Singh and another vs. State of Haryana and another (supra) has observed that 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 Cr.P.C., after conviction of an accused by the trial court and during the pendency of appeal against such conviction, the High Court could invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

11. In its latest judgment rendered in ***Ramgopal and another vs. State of Madhya Pradesh (supra)***, the Apex Court has held as under:-

“19. We thus sum-up 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. In the present case also, the parties have amicably resolved all their disputes and have appeared before the Court of

Judicial Magistrate 1st Class, Jagraon and got their statements recorded. Even, the Judicial Magistrate 1st Class, Jagraon, has recorded the satisfaction that the compromise between the parties is genuine and voluntary.

13. In view of the above discussion and the law laid down by the Hon’ble Supreme court, this Court is of the considered view that the impugned judgment of conviction and order of sentence dated 20.11.2013 passed by Additional Sessions Judge, Ludhiana are liable to be set aside by this Court.

14. Consequently, the present appeal is allowed and the appellants are ordered to be acquitted of the charge.

15. All other pending applications, if any, also disposed off, accordingly.

20.08.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No