

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
243
Date of Decision: 02.05.2024

1. CRR-1675-2004 (O&M)
Rattan Kumar..... Petitioner
Versus
State of Haryana..... Respondent
2. CRR-1690-2004 (O&M)
Om Parkash and others..... Petitioners
Versus
State of Haryana..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Zorawar Singh Chauhan, Advocate
for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

Mr. Nikhil Vats, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

Vide common order, this Court shall dispose of two revision petitions, i.e. **CRR-1675-2004** and **CRR-1690-2004**, wherein, prayer has been made for quashing the judgment dated 09.02.2004 and the order dated 10.02.2004 passed by the trial Court and the judgment dated 17.08.2004 passed by the Lower Appellate Court, whereby, the petitioners were convicted under Sections 323 and 334 of the IPC.

In view of the compromise entered into between the parties

dated 06.01.2024 (Annexure P-2), the compounding of offence has been sought wherein two petitioners namely Om Parkash and Ram Niwas were convicted with six months imprisonment under Section 323 IPC and under Section 324 IPC for simple imprisonment for three months and sentence was awarded to run concurrently.

Learned counsel for the petitioner also submits that in CRR-1690-2004, petitioner No.1 and 2, namely, Om Parkash and Ram Niwas respectively have since expired, therefore, the compromise has only been signed by Madan and Rattan Kumar.

Learned counsel for the complainant do not controvert the factum of compromise as has been placed on record and recorded in the earlier order passed by this Court.

The compromise reads as under:-

“(i) That in view of that compromise, the Second party has no objection in case FIR No.362 dated 12.12.1995 u/s 323/324/34 IPC, P.S. Sadar Gohana, District Sonapat and the judgment of conviction dated 17.08.2004 is quashed by the Hon’ble Punjab & Haryana High Court, Chandigarh and first party be discharged/acquitted. The second party undertakes to make necessary statement for quashing/cancellation of the said FIR before any authority or before the Hon’ble High Court of Punjab & Haryana at Chandigarh or before the lower Court.

(ii) Both the parties undertakes to remain bound by the terms & conditions of this compromise.

(iii) That the second party also undertakes to withdraw CRR-2194-2004 from the Hon’ble Punjab & Haryana High Court, if permission is granted by the Hon’ble High Court, Chandigarh, which was filed by the second party for enhancement of sentence.

(iv) That this compromise has been arrived between the

parties for keeping peace, harmony and brotherhood with each other.

(v) In witnesses whereof the parties have put their respective hands herein under after reading and understanding its contents to be true and correct and the same shall be binding upon the parties”.

Full Bench of this Court in ***Kulwinder Singh and others vs.***

State of Punjab, 2007 (3) RCR (Criminal) 1052, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever- lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is

abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303**'.

Furthermore, the broad principles for exercising the powers under Section 482 Cr.P.C. were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641**'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings.

For the reasons stated above, the aforesaid two petitions are allowed and the judgment dated 09.02.2004 and the order dated 10.02.2004 passed by the trial Court and the judgment dated 17.08.2004 passed by the Lower Appellate Court, and all the consequent proceedings arising therefrom, are quashed.

Disposed of in the aforesaid terms.

02.05.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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