

2024:PHHC:099358



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRR 552 of 2024 (O&M)
Date of Decision: 22.07.2024

Bittu and another		...Petitioners
	Versus	
State of Haryana		... Respondent

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

Present : Mr. Pawan Kumar Hooda, Advocate
for the applicant/petitioner(s).

Mr. Rajinder Kumar Banku, DAG, Haryana.

Mr. Ajay Ghangas, Advocate
for the respondent/complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgment of conviction dated 09.05.2023 and order of sentence dated 11.05.2023 passed by the Judicial Magistrate 1st Class, Samalkha, Panipat, whereby, the petitioner was convicted for the offences punishable under Sections 323, 325, 341 and 506 read with Section 34 IPC and were sentenced as under:-

Under Section 323 read with Section 34 IPC	Rigorous imprisonment for one year with fine of Rs. 1000/- each. In default of payment of fine to further undergo simple imprisonment for one moth each
Under Section 325 read with Section 34 IPC	Rigorous imprisonment for three year with fine of Rs. 1000/- each.

	In default of payment of fine to further undergo simple imprisonment for one moth each
Under Section 341 read with Section 34 IPC	Rigorous imprisonment for one month with fine of Rs. 500/- each.
	In default of payment of fine to further undergo simple imprisonment for one moth each
Under Section 506 read with Section 34 IPC	Rigorous imprisonment for six months with fine of Rs. 500/- each.
	In default of payment of fine to further undergo simple imprisonment for one moth each

2. A further prayer has been made to set aside the impugned judgment dated 05.03.2024 passed by the Court of Sessions Judge, Panipat, whereby, the appeal filed by the petitioner was ordered to be dismissed.

3. During the pendency of the present petition before this Court, learned counsel for the parties submitted that the parties were ready and willing to compromise the matter and, accordingly, the case was referred to Mediation and Conciliation Centre of this Court. With the intervention of the Mediator, the parties had settled all their disputes vide a settlement deed/agreement dated 05.07.2024 and both the parties had agreed to resolve all their disputes. Even, the compromise dated 05.07.2024, which was signed by both the sides is already part of record before this Court.

4. Apart from that, the petitioners have also moved an application under Section 482 Cr.P.C. read with Section 320 Cr.P.C. with a prayer to compound the offences in the present case. The respondent/victim/injured Ramesh Kumar also filed a reply to the

compounding application and submitted that both the parties have entered into a compromise before the Mediation and Conciliation Centre of this Court on 05.07.2024 and since both the parties have settled all their disputes amicably, they have no objection, in case the application for compounding is allowed and the petitioners are ordered to be acquitted by this Court.

5. Section 320 of the Code of the Criminal Procedure provides for compounding of offences. As per Section 320 Cr.P.C., the offences under Sections 323 and 325 IPC are compoundable offences. Still further Section 320(6) Cr.P.C. provides that a High Court or Court of Sessions, acting in exercising of its power of the revision under Section 401 may allow any person to compound any offence, which such person is competent to compound under this section. Still further, as per Section 320(8) Cr.P.C., the composition of an offence under Section 320 Cr.P.C., shall have the affect of acquittal of the accused with whom the offences have been compounded.

6. In the instant case also, both the offences are compoundable in nature. Even, the Division Bench of this Court in CRM M-38140-2011 decided on 09.04.2013, titled as “**Sube Singh and another vs. State of Haryana and another**”, 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.

7. In its latest judgment rendered in ***Ramgopal and another vs. State of Madhya Pradesh, 2021 SCC Online SC 834***, 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”.

8. In view of the above discussion and the law laid down by this Court and the Hon’ble Supreme Court, it is a fit case to exercise the inherent powers under Section 482 Cr.P.C. Consequently, impugned judgment of conviction dated 09.05.2023 and order of sentence dated 11.05.2023 passed by the Judicial Magistrate 1st Class,

Samalkha, Panipat and impugned judgment dated 05.03.2024 passed by the Court of Sessions Judge, Panipat, are ordered to be set-aside and the petitioners are ordered to be acquitted.

9. All pending applications, if any, are disposed of, accordingly.

10. The petition is allowed.

22.07.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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