



295 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14682-2024

DATE OF DECISION:-15.05.2024

Gurmeet Singh and others

...Petitioners..

VS.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurmeet Singh Saini, Advocate,
for the petitioners.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Kamal Narula, Advocate,
for respondents No.2 & 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of complaint No.CHI-1720/2013 dated 24.09.2011, titled as “Nirmal Singh vs. Simranjit Singh and others” under Sections 326, 452, 324, 447, 148, 149 IPC, registered at Police Station Ghall Khrud, District Ferozepur (Annexure P-1) as well as the judgment of conviction and order of sentence dated 18.09.2018 passed by the Court of learned Judicial Magistrate Ist, Class, Ferozepur (Annexure P-2), and all other subsequent proceedings arising therefrom on the basis of compromise dated 16.03.2018 (Annexure P-6).

2. Briefly stated, the petitioners were arrayed as accused in the aforementioned complaint, lodged at the instance of Nirmal Singh (since deceased), in which, petitioners have been convicted and sentenced vide

judgment of conviction and order of sentence dated 18.09.2018 passed by
learned Judicial Magistrate Ist Class, Amritsar as under:-

Sr. No.	Name of accused	Offence	Sentence	Fine	In default
1.	Harinder Singh	452 IPC read with Section 149 IPC	RI for 01 year	500/-	07 days
		324 IPC	RI for 01 year	Rs.500/-	07 days
		148	RI for 01 year	Rs.500/-	07 days
2.	Ranjit Singh	452 IPC read with Section 149 IPC	RI for 01 year	500/-	07 days
		324 IPC	RI for 01 year	Rs.500/-	07 days
		148	RI for 01 year	Rs.500/-	07 days
3.	Raghbir Singh	452 IPC read with Section 149 IPC	RI for 01 year	500/-	07 days
		324 IPC	RI for 01 year	Rs.500/-	07 days
		148	RI for 01 year	Rs.500/-	07 days
4.	Rajwinder Singh	452 IPC read with Section 149 IPC	RI for 01 year	500/-	07 days
		324 IPC	RI for 01 year	Rs.500/-	07 days
		148	RI for 01 year	Rs.500/-	07 days
5	Gurmit Singh	452 IPC read with Section 149 IPC	RI for 01 year	500/-	07 days
		324 IPC	RI for 01 year	Rs.500/-	07 days
		148	RI for 01 year	Rs.500/-	07 days

Aggrieved against the aforesaid judgment/order, petitioners have preferred an appeal, which is pending before the Sessions Court, Ferozepur.

3. In pursuance of order dated 01.04.2024 passed by this Court, whereby the parties were directed to appear before the Appellate Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 30.04.2024 has been received from the concerned Court, stating that the compromise appears to be genuine, voluntary and out of free will of the parties. No accused has been declared as proclaimed offender.

It has also been mentioned in the report that there were total 07 accused, out of which, only 04 i.e. the present petitioners have approached this Court as remaining 03 accused have unfortunately died, besides it, complainant-Nirmal Singh also died during the pendency of appeal, however, the matter has been compromised between the present petitioners and the legal representatives of complainant i.e. Jaswinder Kaur and Gurjeet Singh (wife and son respectively of the complainant).

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of complaint as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present complaint qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the complaint

on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, being living in the same area and doing the same business, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the appellate Court to invest further time and effort in adjudicating this complaint. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. 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 scopius 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 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 extra-*

ordinary 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.”

7. Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainant, the offences committed by the petitioners thus, stand compounded.

8. Moreover, learned counsel for the petitioners on instructions from his clients, submit that they volunteer to serve public cause by providing one (01) Laproscopic Trocar 10 mm, one (01) Laproscopic Trocar 5 mm, one (01) Maryland Grasper and one (01) Clip Applicator 300 mm to Civil Hospital, Ferozepur.

9. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, complaint No.CHI-1720/2013 dated 24.09.2011, titled as “Nirmal Singh vs. Simranjit Singh and others” under Sections 326, 452, 324, 447, 148, 149 IPC, registered at Police Station Ghall Khrud, District Ferozepur (Annexure P-1) as well as the judgment of conviction and order of sentence dated 18.09.2018 passed by the Court of learned Judicial Magistrate Ist, Class, Ferozepur as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

10. Accordingly, petition stands allowed subject to providing one (01)

Laprosopic Trocar 10 mm, one (01) Laprosopic Trocar 5 mm, one (01) Maryland Grasper and one (01) Clip Applicator 300 mm to Civil Hospital, Ferozepur, within a period of two weeks from today as volunteered by the petitioners 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.

15.05.2024
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(HARKESH MANUJA)
JUDGE

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