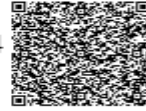


2024:PHHC:077384



320 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16950-2023 (O&M)
DATE OF DECISION:-28.05.2024

Dharambir and others

...Petitioners..

vs.

State of Haryana and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajinder Singh Bajwa, Advocate for the petitioners.

Mr.Pawan Kumar Jhavda, DAG, Haryana.

Mr. Manvender Chauhan, Advocate for
Mr. Rohit Chaudhary, 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 FIR No.434 dated 05.09.2016 registered under Sections 148, 149, 323, 324, 341, 506 IPC at Police Station Safidon, District Jind, Haryana (Annexure P-1) as well as the judgment of conviction dated 13.03.2023 and order of sentence dated 21.03.2023 passed by the Court of Sub Divisional Judicial Magistrate, Safidon (Annexure P-2), and all other subsequent proceedings arising therefrom on the basis of compromise dated 21.03.2023 (Annexure P-3).

2. Briefly stated, the petitioners were arrayed as accused in the aforementioned FIR, lodged at the instance of respondent No.2-Jasbir Singh, in which, petitioners have been convicted and sentenced vide judgment of conviction dated 13.03.2023 and order of sentence dated 21.03.2023 passed

by learned Sub Divisional Judicial Magistrate, Safidon as under:-

Sr. No.	Name of accused	Offence	Sentence	Fine	In default
1.	Dharambir	323 read with Section 34 IPC	RI for 06 months	1000/-	SI for 07 days
		324 read with Section 34 IPC	RI for 01 year	Rs.1000/-	SI for 07 days
2.	Ramesh	323 read with Section 34 IPC	RI for 06 months	1000/-	SI for 07 days
		324 read with Section 34 IPC	RI for 01 year	Rs.1000/-	SI for 07 days
3.	Kamlesh	323 read with Section 34 IPC	RI for 06 months	1000/-	SI for 07 days
		324 read with Section 34 IPC	RI for 01 year	Rs.1000/-	SI for 07 days
4.	Luxmi	323 read with Section 34 IPC	RI for 06 months	1000/-	SI for 07 days
		324 read with Section 34 IPC	RI for 01 year	Rs.1000/-	SI for 07 days
5	Gulshan @ Gulu	323 read with Section 34 IPC	RI for 06 months	1000/-	SI for 07 days
		324 read with Section 34 IPC	RI for 01 year	Rs.1000/-	SI for 07 days

Both the sentences were ordered to run concurrently.

After the conviction, the petitioners have been released on bail for enabling them to file appeal before the appropriate Court, however, before filing the appeal, the petitioners and respondents No.2 and 3 arrived at a compromise and filed the present petition for quashing the FIR.

3. In pursuance of order dated 12.04.2023 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 18.04.2023 has been received from the concerned Court, stating that the complainants/victims have arrived at a compromise with accused persons/convicts without any coercion, undue influence or pressure and the complainants have no objection in case the present FIR against the accused persons/convicts is being quashed.

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 FIR 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 FIR 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 FIR 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, 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 FIR. 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 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.”

7. Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainants/victims, 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) ECG Machine and one (01) RO to Civil Hospital, Jind.

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, FIR No.434 dated 05.09.2016 registered under Sections 148, 149, 323, 324, 341, 506 IPC at Police Station Safidon, District Jind, Haryana (Annexure P-1) as well as the judgment of conviction dated 13.03.2023 and order of sentence dated 21.03.2023 passed by the Court of learned Judicial Magistrate Ist Class, Safidon 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) ECG Machine and one (01) RO to Civil Hospital, Jind, 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, Haryana at the earliest for maintaining records in this regard.

11. All the pending application(s), if any, stand(s) disposed of.

28.05.2024

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(HARKESH MANUJA)
JUDGE

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