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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-731-2024 (O&M)
Date of decision: 22.10.2024

SODHI SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. J.S.Dadwal, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Haryana.

Mr. Sanjeev Kumar, Advocate, for respondent-complainant-2.

SANJIV BERRY, J. (ORAL)

1. Instant Revision Petition has been preferred against the judgment dated 27.02.2024 passed by learned Additional Sessions Judge, Jalandhar whereby the appeal preferred against the judgment of conviction and order of sentence dated 12.02.2019 passed by learned Judicial Magistrate First Class, Phillaur, holding the petitioner guilty in case FIR No.43 dated 14.05.2012, under Section 406, 420,120-B IPC registered at Police Station Bilga, District Jalandhar had been dismissed. The petitioner was convicted and sentenced vide judgment of conviction and order of sentence in question as under: -

Name of convict	Offence	Period of sentence and fine imposed	Period of sentence in default of payment of fine.
Sodhi Singh	420 IPC	Rigorous imprisonment for a period of 03 years and fine of ₹500/-	Rigorous imprisonment for a period of 01 month.

2. Brief facts of the present case are that the present case was registered on the basis of complaint made by Pal Singh stating that Sodhi Singh had obtained an amount of ₹4,50,000/- from him on 22.07.2009 claiming that he would send his daughter Sukhwinder Kaur on study Visa to England. He further took an amount of ₹1,50,000/- for passport, school certificate and other documents. He had assured to obtain the study Visa within one month. Despite payment of agreed amount alongwith passport and other documents Sodhi Singh did not send his daughter to England and kept the matter putting off on one pretext or the other. He had approached the petitioner many times to atleast return the amount alongwith passport and other documents but he did not listen. Ultimately, he returned passport of his daughter and when asked about the return of amount paid and other documents he threatened the complainant to do whatever he want. On these allegations FIR was registered.

3. During trial, the prosecution adduced the evidence and after conclusion of trial the learned trial Court by hearing the arguments convicted the present petitioner under Section 406, 120-B and 420 IPC vide the judgment of conviction and order of sentence dated 12.02.2019.

4. The petitioner challenged the said judgment of conviction and order of sentence dated 12.02.2019 in the Court of learned Additional Sessions Judge, Jalandhar. The learned Additional Sessions Court, Jalandhar, however, acquitted the petitioner of offences under Section 406 and 120-B IPC and affirmed the conviction and sentence under Section 420 IPC vide

order dated 27.02.2024 which has been assailed by the petitioner in the present revision petition.

5. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is having no criminal antecedents and has already undergone sentence for a period of 03 months and 07 days out of total sentence of 3 years awarded by the learned trial Court. He submits that during course of proceedings a compromise dated 31.05.2024 (Annexure P-6) have been effected between the parties wherein both the parties have pleaded not to pursue the case against each other and the amount in question has been paid to the legal heirs of the complainant. He contends that at this stage an application for compounding/quashing of the offences under Section 420, 406 IPC in case FIR No. 42 dated 14.05.2012, Police Station Bilga, District Jalandhar and order dated 12.02.2019 passed by learned Judicial Magistrate First Class, Phillaur and judgment and order dated 27.02.2024 passed by the learned Additional Sessions Judge, Jalandhar has been moved on the basis of compromise effected between the parties, as such he prays for compounding of the offence. Learned counsel for the petitioner has also relied upon the judgment dated 29.09.2021 of *Hon'ble Supreme Court of India in Criminal Appeal No. 1489 of 2012 titled as "Ramgopal & Anr. V. The State of Madhya Pradesh."* and prayed that the present application be allowed.

6. Learned counsel for the complainant has reiterated the factum of the compromise having been effected between the parties on 31.05.2024 (Annexure P-6) as genuine and bonafide having been entered into without

any coercion, undue influence or pressure and the same would help in bringing out peace and harmony between the parties. He further contends that the amount in question has been paid to the legal heirs of the complainant and they have pleaded not to pursue the case further.

7. Per contra, learned State counsel has submitted that the petitioner has rightly been convicted vide impugned order dated 27.02.2024 passed in appeal by learned Additional Sessions Judge, Jalandhar and same does not suffer from any infirmity, however, he has admitted that the petitioner is not having any criminal antecedents. He has also not denied the factum of compromise arrived at between the parties vide compromise deed dated 31.05.2024 (Annexure P-6), whereby the legal heirs of the complainant have been given the amount in question.

8. After considering the respective arguments and perusing the record and keeping in view the specific contentions of the learned counsel for the petitioner, it is observed that petitioner was convicted under Section 406, 120-B and 420 IPC vide impugned judgment and order of sentence dated 12.02.2019 and appeal of the same has been partly allowed by modifying the order to the effect that the petitioner was acquitted of offences under Section 406 and 120-B IPC and affirmed the conviction and sentence under Section 420 IPC vide order dated 27.02.2024 passed by learned Additional Sessions Judge, Jalandhar. Aggrieved petitioner filed the present petition challenging the impugned order and during course of proceedings a compromise dated 31.05.2024 (Annexure P-6) has been effected between the parties and the petitioner has moved an application for compounding of the offence on the basis of the above said compromise. A report in this regard

has been obtained from the learned trial Court regarding the genuineness of the compromise dated 31.05.2024 (Annexure P-6) and vide report dated 13.09.2024 factum of the compromise dated 31.05.2024 (Annexure P-6) and its genuineness has been duly verified by it.

9. It would be apt to mention here that the Hon'ble Supreme Court of India in **Ramgopal and Anr.'s case** (supra) has discussed in detail the power of the High Court under Section 482 Cr.P.C. along with other issues.

The relevant portion of said judgment is reproduced as under:-

“2. The prosecution version, arising out of FIR dated 3rd November 2000, Police Station Ambah, Morena, M.P. is that on account of certain monetary dispute, the Appellants abused and assaulted Padam Singh (Complainant). Appellant No.1 is alleged to have struck the Complainant with a pharsa, which resultantly cut off the little finger of his left hand. Appellant No.2 also struck lathi blows on the body of the Complainant. Appellants were thereafter committed for trial under Sections 294, 323 and 326 read with 34 of Indian Penal Code, 1860 (hereinafter, ‘IPC’) and Section 3 of the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989. Upon analyzing the evidence, the Learned Judicial Magistrate(FC), Ambah, convicted the Appellants under Sections 294, 323 and 326 read with 34 IPC with a maximum sentence of three years under Section 326 read with 34 IPC.

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12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a



*private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. vs. State of Punjab & Ors. and Laxmi Narayan** (Supra).*

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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.”

10. A perusal of the above said judgment would show that it has been held that the extra ordinary power enjoined upon a High Court under

Section 482 Cr.P.C., can be invoked beyond the metes and bounds of Section 320 Cr.P.C. It has further been observed that criminal proceedings involving non heinous offences can be annulled irrespective of the fact that trial has already been concluded and appeal stands dismissed against conviction and that handing out punishment is not the sole form of delivering justice. Thus, it goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident.

11. The Hon'ble Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* and Hon'ble Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

12. In view of the judgments referred to above, perusing the report of the trial Court regarding amicable settlement between the petitioner and the complainant, this Court finds that compounding the offences will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed by compounding the offences.

13. Resultantly, the application for compounding the offence is allowed and judgment dated 27.02.2024, passed by learned Sessions Judge,

Jalandhar and judgment of conviction and order of sentence dated 12.02.2019 passed by learned Judicial Magistrate First Class, Phillaur, whereby petitioner was convicted under Sections 420, 406 and 120-B IPC are set aside and petitioner is acquitted of the charges framed against him.

14. Pending miscellaneous application(s), if any, stands disposed of.

22.10.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |