

CRM-M-22545-2024
CRA-S-1668-SB-2013

-1-

2024:PHHC:068002



203

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 15.05.2024

1. CRM-M-22545-2024 (O&M)

Gaurav @ Gourav Dhiman

...Petitioner

Vs.

State of Haryana and others

...Respondents

2. CRA-S-1668-SB-2013 (O&M)

Gaurav

...Appellant

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Kapil Aggarwal, Advocate
for the petitioner (in CRM-M-22545-2024) and
for the appellant (in CRA-S-1668-SB-2013).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vikas Sonik, Advocate for
Mr. Harjot Singh Bedi, Advocate
for respondents No.2 & 3 (in CRM-M-22545-2024).



HARPREET SINGH BRAR, J.

CRM-M-22545-2024

1. This common judgment shall dispose of both the aforementioned cases, as they arise out of identical factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-22545-2024.
2. **CRM-M-22545-2024** has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.114 dated 27.04.2012 under Sections 363 & 366-A of Indian Penal Code, 1860 (for short 'IPC) and Sections 376 & 506 of IPC (added later on), registered at Police Station Farakpur, District Yamuna Nagar (Annexure P-1), the judgment of conviction dated 15.03.2013 and the order of sentence dated 18.03.2013 (Annexure P-2) passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of seven years with a total fine of Rs.20,000/- along with default mechanism as well as all subsequent proceedings arising therefrom on the basis of the compromise/affidavits of respondents No.2 & 3 dated 26.04.2024 (Annexures P-6 & 7).
3. On 06.05.2024, the following order was passed in CRM-M-22545-2024: -

2024:PHHC:068002



“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.114 dated 27.04.2012 under Sections 363/366-A of IPC and Sections 376/506 of IPC added later on registered at Police Station Farakpur, District Yamuna Nagar along with all consequential proceedings arising out of the same including judgment and order dated 15/18/03/2013 (Annexure P-2) passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri on the basis of compromise/affidavits of respondents No.2 & 3 dated 26.04.2024 (Annexures P-6 & P-7).

Learned counsel for the petitioner inter alia contends that the FIR (supra) was lodged on the complaint of respondent No.2. He further submits that the petitioner and respondent No.3 are cohabiting together as husband and wife since 21.11.2015 and are leading a happy married life. Even now respondent No.2 is also satisfied that her daughter is happy with the petitioner and compromised the matter and for seeking quashing of FIR (supra) on the basis of compromise, reliance has been placed upon the judgment of the Hon'ble Supreme Court passed in 'K. Dhandapani Vs. The State by The Inspector of Police' 2022 SCC Online SC 1056 and full Bench judgment of the Delhi High Court passed in 'Lajja Devi Vs. State' 2012 (4) CCR 72.

Notice of motion for 15.05.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Harjot Singh Bedi, Advocate accepts notice for respondents No.2 & 3 and files his vakalatnama and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements,

2024.PHHC.068002



learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 15.05.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

To be heard along with CRA-S-1668-SB-2013.”

4. In compliance of the aforesaid order dated 06.05.2024, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

5. A two Judge Bench of the Hon'ble Supreme Court in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322***, speaking through Justice Surya Kant, made the following observations:

“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

2024:PHHC:068002



nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C., 1973 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., 1973 may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice.”

6. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in ***Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466***, ***Ramgopal’s case (supra)*** and ***Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others, (1980) 1 SCC 63*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab, 2007 (3) RCR (CrL) 1052***, ***CRM-M-22545-2024*** is allowed and FIR No.114 dated 27.04.2012 under Sections 363 & 366-A of IPC and Sections 376 & 506 of IPC (added later on), registered at Police Station Farakpur, District Yamuna Nagar (Annexure P-1), the judgment of conviction dated 15.03.2013 and the order of sentence dated 18.03.2013 (Annexure P-2) passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri as well as all subsequent proceedings arising out of the same, are quashed, qua the petitioner.

2024:PHHC:068002



CRA-S-1668-SB-2013

7. This appeal has been preferred against the judgment of conviction dated 15.03.2013 and the order of sentence dated 18.03.2023 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, in FIR No.114 dated 27.04.2012 under Sections 363 & 366-A of Indian Penal Code, 1860 (for short ‘IPC) and Sections 376 & 506 of IPC (added later on), registered at Police Station Farakpur, District Yamuna Nagar, vide which the appellant was convicted and sentenced to undergo rigorous imprisonment for a period of 07 years with a total fine of Rs.20,000/- along with default mechanism.

8. In view of the order passed above in CRM-M-22545-2024, whereby FIR (*supra*) has been quashed and the judgment of conviction dated 15.03.2013 and order of sentence dated 18.03.2013 have been set aside, present appeal has been rendered as infructuous and accordingly, the same is disposed of.

[HARPREET SINGH BRAR]
JUDGE

15.05.2024
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No