

**239 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR-2868-2011 (O&M)
DATE OF DECISION:-12.02.2024**

Harpreet Singh @ Laddi

...Petitioner.

Vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kinshu Mittal, Advocate and
Ms. Sidhi Bansal, Advocate,
for the petitioner.

Mr. S.P. Singh, AAG, Punjab.
for respondent-State.

Mr. Nitin Verma, Advocate for
Mr. Ishan Kaushal, Advocate,
for respondent No.2-complainant.

HARKESH MANUJA, J.

CRM-10433-2021

Prayer in this application is for disposing of the main petition on the basis of compromise.

In pursuance of order dated 07.11.2023, a report dated 18.01.2024 has been received from the concerned Court, stating that the parties have arrived at compromise out of their own volition, without any inducement, threat, promise, coercion or undue influence from any quarter with each other. As such the compromise appears to be genuine/correct and is not the result of any fraud or misrepresentation and is outcome of the free will of the parties. It is further mentioned that there were four accused persons namely, Harpreet Singh @ Laddi, Kamando @ Kala, Hari Om & Soni,

however, Hari Om and Sunny were acquitted by the Trial Court and only Harpreet Singh @ Laddi i.e. the present petitioner has approached this Court.

Since the matter has been compromised between the parties, therefore, the main appeal is taken on board today itself for hearing and final disposal.

CRM stands disposed of.

Main case

1. By way of present revision petition, challenge has been laid to the judgment dated 07.09.2011 passed by the court of learned Additional Sessions Judge, Patiala, whereby the appeal filed against the judgment of conviction and order of sentence dated 27.11.2004 passed by the court of learned Additional Chief Judicial Magistrate, Patiala, was dismissed.
2. The facts of the case are that on account of an incident dated 28.09.1999, FIR No.560, dated 28.09.1999 came to be registered under Sections 326, 325, 341 and 34 IPC at Police Station Sadar, Patiala, at the instance of complainant-Vishal Kumar implicating the petitioner along with other accomplices as accused. The trial court vide judgment dated 27.11.2004, acquitted Hari Om and Sunny, whereas, petitioner & his co-accused Kamando @ Kala were convicted and sentenced, to the following effect:-

<i>Sr. No.</i>	<i>Offence u/s</i>	<i>Sentence plus fine</i>	<i>In default of payment of fine</i>
1	Section 326 and Section 34 IPC	RI for 03 years with fine of Rs.2,000/-	In default, further under undergo RI for 03 months

2	Section 325 and 34 IPC	RI for 01 year with fine of Rs.500/-	In default, further undergo RI for 01 month
3.	Section 341 IPC	Fine of Rs. 500/- each	In default, undergo RI for 01 month

All the sentences were ordered to run concurrently.

3. Aggrieved thereof, the petitioner-accused filed first appeal, which was dismissed by learned Additional Sessions Judge, Patiala, vide judgment dated 07.09.2011, thereby upholding the judgment passed by the trial Court.
4. By way of present revision petition, the petitioner laid challenge to the aforesaid judgments passed by both the courts below.
5. During the pendency of present revision petition, the petitioners were released on bail. Thereafter, better sense prevailed and the parties, have entered into a settlement. The statements of the parties in this regard have already been recorded before the Trial Court as is evident from aforementioned report dated 18.01.2024.
6. In view of the above noted subsequent development, learned counsel for the petitioner submits that the parties having settled their disputes in order to bury their differences, the petitioner be acquitted of the charges framed against him and his conviction may be set aside.
7. In response, learned counsel representing respondent No.2-complainant, accepting the factum of compromise raises no objection in this regard.
8. I have heard learned counsel for the parties and gone through the paper book.
9. The parties having settled their disputes so as to maintain peace and harmony and also for the betterment and safety of their generations to

come, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, it would be rather in the interest of both the parties to render a complete quietus to the proceedings and thus, no cause remains for this Court to invest further time and effort in adjudicating this revision petition on merits. 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.”

A conjoint reading of Section 320 (8) Cr.P.C., makes it clear that composition of offence under this Section amounts to acquittal of the accused. Section 320 (8) Cr.P.C. is reproduced hereunder for reference:-

“320(8) The composition of an offence under this Section shall have the effect of an acquittal of the accused with whom the offence has been compounded.”

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

10. Thus, in view of the discussion made hereinabove as well as keeping in mind the law laid down in the aforementioned judgment, the present petition is accepted. The petitioner is acquitted of the charges framed against him for all intents and purposes and the judgments of conviction and order of sentence passed by the trial court and the appellate court are set aside, on the basis of compromise arrived at between the parties, under the provision of Section 320 (8) Cr.P.C.

11. Accordingly, the petition stands disposed of in above terms.

12.02.2024

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(HARKESH MANUJA)
JUDGE

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