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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27370-2024
DECIDED ON: 05.08.2024

PARKASH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA & ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nitin Goswami, Advocate for
Mr. Sumit Bhardwaj, Advocate
for the petitioners.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

Mr. Parduman Krishan, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J

RELIEF SOUGHT

1. The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked seeking quashing of FIR No. 367, dated 09.09.2017, under Sections 323, 325, 506 and 34 IPC, registered at Police Station Kurukshetra, District Kurukshetra (Annexure P-1) along-with judgment dated 26.07.2023 and order of sentence dated 28.07.2023 passed by Judicial Magistrate Ist Class, Kurukshetra, on the basis of compromise deed dated 08.05.2024 (Annexure P-4).

2. The petitioners stand convicted under Sections 323 read with Section 34 IPC, 325 read with Section 34 IPC and 506 of IPC vide judgment of conviction dated 26.07.2023 and vide order of sentence dated 28.07.2023 passed by Judicial Magistrate Ist Class, Kurukshetra they have been sentenced to undergo RI for a



period of one year along-with fine to tune of Rs.500/- for commission of offence under Section 323/34 IPC; RI for a period of two years along-with fine to tune of Rs.1000/- for commission of offence under Section 325/34 IPC; RI for a period of one year along-with fine to tune of Rs.500/- for commission of offence under Section 506 IPC, in default of payment of fine to further undergo simple imprisonment for a further period of three months each.

3. The petitioners and the victims have entered into an out of Court compromise. They have annexed the copy of the compromise dated 08.04.2024 with this petition as Annexure P-4.

4. Vide order dated 29.05.2024, parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to the compromise and report was called for. As per report dated 01.07.2024 of Judicial Magistrat Ist Class, Kurukshetra, the parties have settled their dispute by way of an amicable settlement/agreement, which is enclosed with the report.

ANALYSIS & REASONING:

5. The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court. A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means. The victim has willingly consented to the nullification of criminal proceedings. There is no objection from the private respondent in case present FIR and consequent proceedings are quashed.

In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy. The rejection of compromise may also



lead to ill will. The pendency of trial affects career and happiness. There is nothing on the record to *prima facie* consider the accused as an unscrupulous, incorrigible, and professional offender. The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, and society. The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings are justified to secure the ends of justice.

6. In “**Ramji Lal v. State of Haryana**”, (1983) 1 SCC 368, the Apex Court, in a matter arising against the conviction under section 325 IPC, held as under:-

“[5]. All the offences for which the appellants are convicted are compoundable and the compromise can be entered into with the permission of the court. Looking to the chastened attitude of the accused and the commendable attitude of the injured complainant, in order to restore harmony in the society, we accept the compromise. We grant permission to enter into the compromise and accept the same. We accordingly allow the appeal and set aside the conviction and sentence imposed on both the appellants. If they are on bail, their bail-bonds will be cancelled. If they are in jail, they will be released from the jail forthwith.”

7. In “**Mohd. Rafi v. State of U.P.**”, 1998(2) R.C.R.(Criminal) 455, the Supreme Court, the convict had gone to Hon’ble Supreme Court against his conviction by the trial Court under Sections 323 and 325 of IPC, which was upheld by Sessions and High Court. After that, the convict and the victim entered into an out-of-court compromise. The Apex Court analyzed the affidavits of the parties filed in support of the compromise and observed that parties had willingly and voluntarily settled the matter. To maintain good relations, the Court granted permission to them to compound the said offenses and order the acquittal.



8. In “**M.D. Balal Mian v. State of Bihar**”, 2001 AIR (SCW) 5190, out of three convicts, one was convicted under Section 376 IPC, and the other two were convicted only under Sections 325 & 323 of IPC. After the High Court confirmed the conviction and sentence, all three convicts approached the Supreme Court. Although the Supreme Court did not find any scope for granting special leave by the convict challenging his conviction under section 376 IPC, however, granted the other permission to the other two convicts to compound the offences under Section 320 (8) of the Criminal Procedure Code and acquitted both of them.

9. In “**Ramachandra Singh v. State of Bihar**”, 2003(10) SCC 234, the Supreme Court has held as under:-

“[5]. We have heard learned counsel for the appellants and the state and taken into, consideration the fact and circumstances of the case. In view of the compromise it appears that grievance, if any, of the complainant Kamlesh Kumari Devi is over. Indeed in view of the compromise the accused appellants stand acquitted of the offence under Section 323 Indian Penal Code. In such circumstances the sentence passed by the trial Court and maintained by the High Court deserves to be modified so far as offence under Section 498A Indian Penal Code is concerned.

[6]. The appeal is partly allowed. The conviction of appellant Nos. 1 and 2 under Section 498A Indian Penal Code is maintained, but the sentence of imprisonment passed on them for offence under Section 498-A is reduced to the period already undergone. In so far as appellant No. 3 is concerned, in our opinion, it will meet the ends of justice if he is dealt with under Section 4 of the Probation of Offenders Act, 1958, and released on probation of good conduct. The sentence of imprisonment passed on appellant No. 3 is set aside and it is directed that he shall be released on his entering into a bond with one surety in an amount of Rs. 5000/- to appear before the trial Court and receive sentence on being called upon during a period of one year and in the



meantime to keep the peace and be of good behaviour.”

10. In “***Khursheed and others v. State of U.P.***”, ***Appeal (crl.) 1302 of 2007***, decided on 28-9-2007, the appellants were convicted by Trial Court under sections 325, 323 read with 34 IPC. Their appeal against conviction was dismissed by the Sessions Court and revision petition was also dismissed by High Court. The convicts approached the Apex Court and the Court has held as under:-

[12]. An offence of causing grievous hurt punishable under Section 325 IPC is covered by sub-section (2) of Section 320 of the Code. It is thus clear that an offence punishable under Section 325 IPC is also compounded with the permission of the Court.

[13]. The parties have compounded the offences. As stated in the compromise deed, Gurfan Ahmad, complainant and his mother Kulsoom @ Bhoori (injured) did not want any action against the appellants (accused). The parties are neighbours, their houses are situated adjacent to each other and they have been living peacefully for last many years and there is no dispute among them. It is further stated that to continue sweet relationship and harmony, complainant side does not want to take any action against the accused. A prayer is, therefore, made to accept the compromise.

[14]. On the facts and in the circumstances of the case, and considering the Deed of Compromise and having heard learned counsel for the parties, in our opinion, ends of justice would be met if we grant necessary permission for compounding an offence punishable under Section 325 read with Section 34 IPC as required by sub-section (2) of Section 320 of the Code. The offence punishable under Section 323 IPC has already been compounded by the parties.

[15]. Sub-section (8) of Section 320 states that the compounding of offence under the section shall have an effect of acquittal of the accused with whom the offence has been compounded. The resultant effect of compounding of offences would be that the accused should be acquitted. In other words, once the offences have been compounded



and the requisite permission is granted by the Court, the accused must be acquitted.

11. In “**Dr.ArvindBarsaul etc. v. State of Madhya Pradesh**”, (2008) 5 SCC 794, after the conviction under section 498-A IPC, the victim wife and the convict husband had compromised their disputes, and sought setting aside of conviction based on the compromise. The Apex Court holds as follows,

“[10]. We have heard learned counsel for the parties at length. The parties have compromised and the complainant Smt. SadhnaMadnawat categorically submitted that she does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under section 498-A Indian Penal Code. The appeal is accordingly disposed of.”

12. In “**Manoj &Anr. v. State of Madhya Pradesh**”, Cr. A No. 1530 of 2008, the Supreme Court, based on compromise, accepted the compounding of the offence under section 324 IPC and acquitted the appellants.

13. In “**Sube Singh v. State of Haryana**”, 2013 (4) RCR (Cri) 102, a Division Bench of this Court has held as under:-

“[17]. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.

[21]. In the light of these peculiar facts and circumstances where not



only the parties but their close relatives (including daughter and son-in-law of respondent No. 2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

DECISION:

14. In the entirety of the case and judicial precedents, I am of the considered opinion that the continuation of these proceedings will not serve any fruitful purpose whatsoever, hence, FIR No. 367, dated 09.09.2017, under Sections 323, 325, 506 and 34 IPC, registered at Police Station Kurukshetra, District Kurukshetra (Annexure P-1) is hereby quashed and the judgment dated 26.07.2023 and order of sentence dated 28.07.2023 passed by Judicial Magistrate Ist Class, Kurukshetra, is set aside qua the petitioners only, on the basis of compromise deed dated 08.05.2024 (Annexure P-4). However, the fine amount is forfeited to the State as cost incurred by it. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

15. In view of the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

05.08.2024

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No