



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

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CRM-M-26943-2024 (O&M)
Date of Decision: 29.08.2024

JARNAIL SINGH AND ORS

....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. D.K. Prajapati, Advocate for the petitioners

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ishan Cooner, Advocate for respondents no. 2 & 3..

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.29 dated 29.05.2015 under Sections 148, 149, 323, 325, 452, 506 of IPC registered at Police Station Naggal District Ambala, Haryana and all the subsequent proceedings arising out of instant FIR i.e. charges under Sections 148, 323, 325, 452, 506 read with 149 of IPC as well as judgment of conviction dated 12.12.2022 and order of sentence dated 15.12.2022 passed by learned Judicial Magistrate First Class, Ambala on the basis of compromise dated 17.05.2024 (Annexure P-3).

2. This Court vide order dated 28.05.2024 had directed the parties to appear before the Illaqa/Duty Magistrate to get their statements recorded



and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the learned Addl. District and Sessions Judge, Ambala and got their statements recorded. On the basis of the statements so recorded, learned Sessions Judge has submitted report dated 08.08.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence. It is also mentioned in the report that five persons namely Jarnail Singh, Kulwant Singh, Harjeet Singh @ Maddhi and Vishal @ Shallu were named as accused in the FIR. Although Vishal @ Shallu had been declared proclaimed person by learned trial Court vide order dated 02.11.2016. However, through this petition only the petitioners no.1, 2, 3 & 4 and the complainant have compromised the matter. Joint statements of petitioners nos.1, 2, 3 & 4 and complainant/respondent No.2 as well as the Investigating Officer had been recorded.

4. The factum of compromise having arrived at between the parties has not been disputed by learned State counsel as well as counsel for respondent No.2. Learned State counsel, however, has submitted that it is a case of partial compromise as the co-accused Vishal @ Shallu (declared proclaimed person vide order dated 02.11.2016) even though a party to the same, has failed to appear before the Ld. Trial Court to get his statement recorded qua the veracity of such compromise and even non-bailable warrants have been issued against him to procure his presence as is reflected by the report sent by Ld. Magistrate to the Court. In the opinion of this



Court, since it has come on record that the compromise has been effected between the parties to maintain peace and harmony, therefore, continuation of these proceedings would be a futile exercise and an abuse of process of law thus partial quashing or part quashing of the FIR qua the petitioner only, can be allowed. In this regard reliance can be placed upon the observations made by Delhi High Court in *“Sunil Tomar Vs. State of NCT of Delhi”*, *2022(2) CrI. CC 179* and *“Lovely Salhotra and another vs. State of NCT of Delhi”*, *(2018) 12 SCC 391* as well as judgments passed by the coordinate Bench of this Court in *“Parambir Singh Gill vs. Malkiat Kaur”*, *2010 (1) RCR (Criminal) 256* and *“Samay Singh vs. State of Haryana”* *2023 NCPHHC 99612*.

5. As per the discussion so made above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. It is well settled law that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052*. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong



is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466*. Reference can also be made to another judgment rendered *in Ramawatar vs. State of Madhya Pradesh, 2021 CrL L.R. (SC) 1527*, wherein, it was observed that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an Appellate Court. The pendency of legal proceedings, be that may before the final Court, is sine-qua-non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always



be loaded with lurking suspicion about its bona fide. It was also observed that the purpose of these extra-ordinary powers was not to incentivize any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

7. Reliance can also be placed upon *Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102*, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous. Reference can also be made to the judgment rendered in *K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184*, whereby, on the basis of the compromise entered into between the parties, Hon'ble Supreme Court has set aside the judgment of conviction and order of sentence passed by the trial Court and the accused was acquitted of the charge, framed against him under Section 138 of the Negotiable Instruments Act. With these broad submissions, it is urged that the present petition deserves to be allowed.

8. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012)*



10 SCC 303, this petition is allowed and FIR No.29 dated 29.05.2015 under Sections 148, 149, 323, 325, 452, 506 of IPC registered at Police Station Naggal District Ambala, Haryana and all the subsequent proceedings arising out of instant FIR i.e. charges under Sections 148, 323, 325, 452, 506 read with 149 of IPC as well as judgment of conviction dated 12.12.2022 and order of sentence dated 15.12.2022 passed by learned Judicial Magistrate First Class, Ambala and all subsequent proceedings arising therefrom on the basis of compromise dated 17.05.2024 (Annexure P-3) are quashed qua the petitioners no.1 to 4 herein only.

29.08.2024

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

- 1. Whether speaking/reasoned : Yes/No*
- 2. Whether reportable : Yes/No*