



228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4247-2017 (O&M)

Date of decision: 18.07.2024

DEEN DAYAL

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.Mr. Kartik Khicher, Advocate for Mr. Kartar Singh, Advocate
for complainant.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Present revision petition has been filed under Section 401 of Cr.P.C. seeking setting aside of the impugned order dated 06.11.2017 passed by learned Additional Sessions Judge, Palwal, whereby the learned Court uphold the judgment/order dated 21.03.2017 passed by learned Sub Divisional Judicial Magistrate, Hodal.

2. The following order was passed on 21.05.2024:

"CRM-22654-2024

Present application has been filed under Section 482 Cr.P.C. for placing on record the Memorandum of Understanding dated 20.04.2019 as Annexure P-1.

In view of the averments made in the application, same is allowed and Memorandum of Understanding dated 20.04.2019 is taken on record as Annexure P-1, subject to all just exceptions.

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In view of the Memorandum of Understanding/compromise dated 20.4.2019 (Annexure P-1), the parties are directed to appear before the jurisdictional Magistrate within four weeks from today or any other date convenient to learned Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned Magistrate will send the 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.

Adjourned to 18.07.2024.

A copy of the order be sent to learned Magistrate concerned through fax for compliance."



3. In compliance of the aforesaid order, 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.

4. Learned counsel for the petitioner contends that in view of the judgment of Hon'ble Supreme Court passed in **Ramgopal and Another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834**, judgment of conviction passed by the trial Court with regard to compoundable offences can be set aside on the basis of compromise. Relevant paragraph of the said judgment is reproduced hereinbelow:

"19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C., 1973 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., 1973 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., 1973 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.

20. Having appraised the afore-stated para-meters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

***Firstly**, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature;*

***Secondly**, the nature of injuries incurred, for which the Appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest;*

***Thirdly**, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been*

concluded or their appeal(s) against conviction stand dismissed;

Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

Sixthly, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and

Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age."

5. 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 and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 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 (CrI.) 1052**, this petition is allowed and judgment of conviction dated 21.03.2017 passed by learned Sub Divisional Judicial Magistrate, Hodal and judgment/order dated 06.11.2017 passed by learned Additional Sessions Judge, Palwal upholding the aforesaid judgment of conviction, are hereby set aside and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

July 18, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No