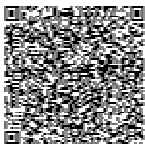


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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.269

CRM-M-30438-2024 (O&M)
Date of decision : 29.08.2024

Vikram and others Petitioners

VERSUS

State of Haryana and others Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. DPS Bajwa, Advocate, for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

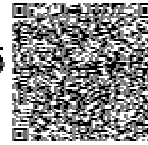
Mr. Rahul Singh, Advocate, for respondents No.2 to 9.

KIRTI SINGH, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.317 dated 17.11.2014, under Sections 148, 323, 341 & 506 read with Section 149 IPC, registered at Police Station Sadar Narwana Jind, and all other consequential proceedings arising therefrom as well as judgment of conviction dated 16.03.2022 and order of sentence dated 20.03.2022 (Annexure P-2 and P-3 respectively) passed by the Court of Judicial Magistrate 1st Class, Narwana, Jind on the basis of the compromise dated 15.06.2024 (Annexure P7).

2. Learned counsel for the petitioners submits that total 17 persons were accused in the FIR, however, 08 were declared innocent during investigation. During trial, proceedings against Pinku @ Tarsem were dropped vide order dated 18.09.2018 and total 08 persons including the petitioners were convicted. He further submits that the FIR and conviction order qua 03 co-accused namely, Jagmohan, Pawa and Mewa Ram were quashed vide order dated 16.02.2024 passed in CRM-M-28506-2023. He

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has placed reliance on judgment rendered by Hon'ble Supreme Court in the case of “***Ram Gopal and another vs. State of Madhya Pradesh***”, 2021(4) ***R.C.R. (Criminal)*** 322, to contend that this Court while exercising jurisdiction under Section 482 Cr.P.C. can quash the FIR and criminal proceedings even at the stage of post-conviction when appeal is pending.

3. Heard learned counsel for the parties and also gone through the case file.

4. This Court while issuing notice of motion vide order dated 01.07.2024, directed the parties to appear before the trial Court/Illaqa Magistrate for recording their statements with regard to the compromise.

5. Pursuant to the aforesaid order, report dated 16.07.2024, has been received from the Judicial Magistrate, 1st Class, Narwana. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question and subsequent conviction order is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

6. The Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was required to prevent the abuse of the process of

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law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

7. Hon'ble the Supreme Court in the case of **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

xxx xxx xxx. ”

8. In the case **Ram Gopal and another vs. State of Madhya Pradesh (supra)** Apex Court held as under :-

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly 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

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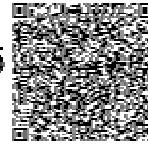


the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. 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. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab and Laxmi Narayan (Supra).

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 scopious powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the overarching objective of sentencing in the criminal justice system, which is grounded on the sub-lime 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

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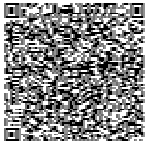


between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, 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.”

9. The Hon’ble Supreme Court, right from the year 2003 in the case of **B.S.JOSHI V. STATE OF HARYANA reported in (2003)4 SCC 675** which is subsequently followed by the Apex Court in the case of **NIKHIL MERCHANT V. CENTRAL BUREAU OF INVESTIGATION REPORTED IN (2008)9 SCC 677 AND IN THE CASE OF MANOJ SHARMA V. STATE AND OTHERS REPORTED IN (2008)16 SCC 1** has considered the fact that post conviction, a settlement can be accepted and proceedings can be obliterated by the Court, hearing a petition under Section 482 of the Cr.P.C.

10. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant, this Court finds that quashing the FIR and the subsequent conviction order, will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life.

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in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

11. Resultantly, the present petition is allowed and FIR No.317 dated 17.11.2014, under Sections 148, 323, 341 & 506 read with Section 149 IPC, registered at Police Station Sadar Narwana Jind, and all other consequential proceedings arising therefrom as well as judgment of conviction dated 16.03.2022 and order of sentence dated 20.03.2022 passed by the Court of Judicial Magistrate 1st Class, Narwana, Jind are quashed qua the petitioners on the basis of the compromise dated 15.06.2024 (Annexure P7), **subject to payment of Rs.10,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.**

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.08.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No