

269 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36242-2023
DATE OF DECISION:-04.03.2024

Navdeep Singh @ Bawa and others ...Petitioners..

vs.

State of Punjab and others ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioners.

Mr. Kewal Singh, Addl. A.G., Punjab.

Ms. Nandini Sharma, Advocate for
Mr. Prateek Sodhi, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.20, dated 18.01.2014, registered under Sections 325, 323, 148, 149 IPC (Section 34 IPC added later on), at Police Station A Division, Amritsar (Annexure P-1) as well as the judgment of conviction and order of sentence dated 11.01.2023 passed by the Court of learned Judicial Magistrate Ist, Class, Amritsar (Annexure P-3), vide which the petitioners were convicted and sentenced and all other subsequent proceedings arising therefrom on the basis of compromise dated 09.05.2023 (Annexure P-5).

2. Briefly stated, the petitioners were arrayed as accused in the aforementioned FIR, lodged at the instance of respondent No.2-complainant,

in which, petitioners No.1 and 2 have been convicted under Sections 323 and 324 IPC and sentenced to undergo simple imprisonment for a period of 2 years each along with fine of Rs.500/- and in default thereof to further undergo imprisonment for 10 days each, vide judgment/order dated 11.01.2023 passed by learned Judicial Magistrate Ist Class, Amritsar, whereas, petitioner No.3-Jagjit Singh already stands acquitted. Aggrieved against the aforesaid judgment/order, petitioners No.1 and 2 preferred an appeal, which is pending before the Sessions Court, Amritsar.

3. On 27.07.2023, this Court passed the following order:-

“Through this petition, the petitioners seek quashing of FIR No.20 dated 18.01.2014, registered at Police Station A Division, Amritsar, under Sections 325, 323, 148 and 149 IPC and Section 34 IPC (added later on) and all the consequential proceedings arising therefrom, including the judgment of conviction and order of sentence dated 11.01.2023 qua petitioners No.1 and 2, on the basis of compromise dated 09.05.2023 (Annexure P-5) arrived at between the parties.

Learned counsel for the petitioners contends that feeling aggrieved against their judgment of conviction and sentence, petitioners No.1 and 2 have preferred an appeal; that during pendency of the said appeal, good sense prevailed and with the intervention of the respectable of the area, the parties have amicably settled their dispute. In support of his contentions, learned counsel relies upon the judgment rendered by the Hon'ble Supreme Court in 'Ramgopal & Anr. Vs. State of Madhya Pradesh 2021 (4) RCR (Criminal) 322 and by a Coordinate Bench in CRM-M- 34575-2022, titled as 'Karamjit Singh and another Vs. State of Punjab and another', decided on 22.11.2022.

Notice of motion.

On the asking of this Court, Mr. C.L.Pawar, Addl. A. G. Punjab, accepts notice on behalf of respondent No.1-State.

At this stage, Ms. Nandini Sharma, Advocate, for Mr. Prateek Sodhi, Advocate, puts in appearance on behalf of respondents No.2 and 3 and does not dispute the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the Appellate Court on 24.08.2023 or any other date convenient to the Court concerned, for getting their statements recorded with regard to the compromise. The Appellate Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the followings:-

- 1 the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2 the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties.*

Report of the Appellate Court be awaited for 11.10.2023.”

4. In pursuance of aforesaid order dated 27.07.2023 passed by this Court, whereby the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 09.10.2023 has been received from the concerned Court, stating that the compromise is genuine and voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

5. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising

out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

6. The parties having settled their dispute so as to live in peace in future, being living in the same area and doing the same business, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the appellate Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

7. 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 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."*

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

9. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.20, dated 18.01.2014, registered under Sections 325, 323, 148, 149 IPC (Section 34 IPC added later on), at Police Station A Division, Amritsar along with judgment of conviction and order of sentence dated 11.01.2023 passed by the Trial Court as well as all the subsequent proceedings arising therefrom are hereby quashed qua the

CRM-M-36242-2023

petitioners.

10. Accordingly, petition stands allowed subject to payment of costs of Rs.30,000/- to be deposited by the petitioners with the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of two weeks from the date of receipt of certified copy of this order.

04.03.2024
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(HARKESH MANUJA)
JUDGE

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