

CRM-M-36261-2023

DATE OF DECISION:-04.03.2024

...Petitioners..

VS.

...Respondents..

Present: Ms. Nandini Sharma, Advocate for
Mr. Prateek Sodhi, Advocate,
for the petitioners.

Mr. Umesh Aggarwal, Advocate,
for respondents No.2 to 4.

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of complaint No.COMI/19/2016 dated 12.01.2016, titled as “Navdeep Singh vs. Satish Gupta and others” under Sections 325, 323, 326, 148, 149 IPC, registered at Police Station A Division, Amritsar (Annexure P-2) 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-4), vide which the petitioners were convicted & 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 complaint, lodged at the instance of respondent No.2-complainant, in which, petitioners 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. Aggrieved against the aforesaid judgment/order, petitioners have preferred an appeal, which is pending before the Sessions Court, Amritsar.

3. On 22.08.2023, this Court passed the following order:-

“CRM-31933-2023

Prayer in the application is for recording the statements of the parties regarding the compromise effected between the parties.

Learned counsel for the applicant-petitioner submits that the main case is fixed for 11.10.2023 and prays for preponement of the same.

In view of the above, the application is allowed and the main case is preponed from 11.10.2023 to that of today and the same is taken on the Board for hearing.

Main case:

Prayer in the petition is for quashing of complaint i.e. COMI/19/2016 filed on 12.01.2016 titled as ‘Navdeep Singh Vs. Satish Gupta and others’ under Sections 325, 323, 326, 148, 149 IPC, at Police Station A Division, District Amritsar on the basis of compromise dated 09.05.2023 (Annexure P-5).

Learned counsel for the petitioners submits that with the intervention of the respectables of the area, the matter has been compromise between the parties. He further submits that in FIR No.20 dated 18.01.2014 registered under Sections 325, 323, 148, 149 IPC and Section 34 IPC added later on, at Police Station A Division, District Amritsar, the matter has also been compromise

and in CRM-M-36242-2023 preferred for quashing of the said FIR, vide order dated 27.07.2023, the parties have already been relegated to record their respective statements qua the compromise effected therein. The petitioners have been convicted vide judgment and order dated 11.01.2023 passed by the learned Judicial Magistrate 1st Class, Amritsar, and the appeal challenging the same is pending before the Sessions Court. In support of his case, he relies upon the judgment rendered by the Hon'ble Supreme Court in Ramgopal & Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322.

Notice of motion.

On the asking of this Court, Mr. C.L. Pawar, Addl. AG Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. Umesh Aggarwal, Advocate, appears and files power of attorney on behalf of respondent Nos. 2 to 4, and does not dispute the factum of the compromise. The power of attorney is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 24.08.2023 or any other date convenient to the concerned Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 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 Illaqa Magistrate/trial Court be awaited for 11.10.2023.”

4. In pursuance of aforesaid order dated 22.08.2023 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 to 4 having no objection as regards quashing of complaint 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 complaint 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 complaint 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 complaint. 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 Madhya 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

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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, complaint No.COMI/19/2016 dated 12.01.2016, titled as “Navdeep Singh vs. Satish Gupta and others” under Sections 325, 323, 326, 148, 149 IPC, registered 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 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
sonika

(HARKESH MANUJA)
JUDGE

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