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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35061-2024 (O&M)
Date of decision: 27.08.2024

Jaspuneet Singh @ Jassa

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

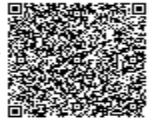
Present: Mr. Mahipal S. Yadav, Advocate for
Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.84 dated 17.04.2017 under Sections 323, 354, 452, 506, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Daba, District Police Commissionerate Ludhiana (Annexure P-1) and the judgment of conviction and order of sentence dated 01.03.2019 (Annexure P-2) passed by learned Principal Magistrate, Juvenile Justice Board, Ludhiana as well as all the subsequent proceedings arising therefrom in view of the compromise dated

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28.06.2024 (Annexure P-3).

2. The following order was passed on 24.07.2024 : -

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.84 dated 17.04.2017 under Sections 323/354/452/506/148/149 of IPC registered at Police Station Daba, District Police Commissionerate Ludhiana (Annexure P-1) along with all subsequent judgment of conviction and order of sentence dated 01.03.2019 (Annexure P-2) on the basis of compromise dated 28.06.2024 (Annexure P-4).

*Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in **‘Ramgopal and another Vs. State of Madhya Pradesh’ 2021 SCC OnLine SC 834**, compromise is permissible subsequent to conviction.*

Notice of motion for 27.08.2024.

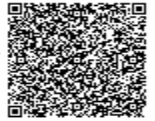
At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to them during the course of day. Learned counsel for the petitioners undertakes to secure the presence of respondents No.2 to 5 before the learned trial Court at the time of recording the statement.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send 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 i.e. 27.08.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

To be heard along with CRM-M-34992-2024.”

3. In compliance of the aforesaid order, a report has been



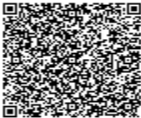
received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. A two Judge Bench of the Hon'ble Supreme Court in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322***, speaking through Justice Surya Kant, made the following observations:

“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 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., 1973 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., 1973 may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice.”

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's*** case (*supra*) and

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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 (Crl.) 1052*, this petition is allowed and FIR No.84 dated 17.04.2017 under Sections 323, 354, 452, 506, 148, 149 of IPC, registered at Police Station Daba, District Police Commissionerate Ludhiana (Annexure P-1) and the judgment of conviction and order of sentence dated 01.03.2019 (Annexure P-2) passed by learned Principal Magistrate, Juvenile Justice Board, Ludhiana as well as all the subsequent proceedings arising out of the same are quashed, qua the petitioner.

27.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No