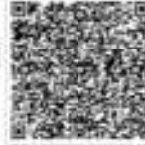


2024:PHHC:122921



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.112+280

**CRR-1672-2024 (O&M)
Date of decision:17.09.2024**

Boby @ Ankit

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. S.K. Rana, Advocate for the applicant-petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

Ms. Gurpreet Kaur, Advocate for the complainant.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present revision petition against the impugned judgment 16.08.2024 passed by the Additional Sessions Judge, Bhiwani and the impugned judgment of conviction and order of sentence dated 18.10.2018 passed by the Judicial Magistrate 1st Class, Bhiwani, whereby, the petitioner had been convicted and sentenced to undergo simple imprisonment for a period of 06 months and to pay a fine of Rs.500/- for the offence punishable Section 323 read with Section 34 IPC and to undergo simple imprisonment for a period of 01 year and to pay a fine of Rs.1,000/-

for the offence punishable under Section 325 read with Section 34 IPC along with a default stipulation

2. During the pendency of the present revision petition, learned counsel for the petitioner has filed an application bearing CRM-37623-2024 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for granting permission to the parties to compound the offences registered against the petitioner.

3. Learned counsel for the petitioner contended that during the pendency of the present revision petition, the parties have compromised the matter and the offences are compoundable with the permission of this Court. As such, the permission may be granted to the parties to compound the offences. Learned counsel has also referred to the affidavit of the complainant/victim (Annexure A-1) to contend that even the complainant has no objection if the petition is allowed on the basis of compromise and the petitioner is ordered to be acquitted by this Court.

4. Learned counsel appearing on behalf of the respondents also supported the submissions made by the petitioner and stated that the matter has been amicably resolved between the parties.

5. I have heard the learned counsel for the parties and perused the case file.

6. Section 320 of the Code of the Criminal Procedure provides for compounding of offences. As per Section 320 Cr.P.C., the offences under Sections 323 and 325 IPC are compoundable offences. Still further Section 320(6) Cr.P.C. provides that a High Court or Court of Sessions, acting in exercising of its power of the revision under Section 401 may allow any person to compound any offence, which such person is competent to

compound under this section. Still further, as per Section 320(8) Cr.P.C., the composition of an offence under Section 320 Cr.P.C., shall have the affect of acquittal of the accused with whom the offences have been compounded.

7. In the instant case also, both the offences are compoundable in nature. Even, the Division Bench of this Court in CRM M-38140-2011 decided on 09.04.2013, titled as **“Sube Singh and another vs. State of Haryana and another”**, has observed that non-acceptance of the compromise would also lead to denial of complete justice, which is the very essence of our justice delivery system. Since, there is no statutory embargo against invoking of power under Section 482 Cr.P.C., after conviction of an accused by the trial court and during the pendency of appeal against such conviction, the High Court could invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

8. In its latest judgment rendered in **Ramgopal and another vs. State of Madhya Pradesh, 2021 SCC Online SC 834**, the Apex Court has held as under:-

“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”.

9. In view of the above discussion and the law laid down by this Court and the Hon’ble Supreme Court, it is a fit case to exercise the inherent powers under Section 482 Cr.P.C. Consequently, impugned judgment 16.08.2024 passed by the Additional Sessions Judge, Bhiwani and the impugned judgment of conviction and order of sentence dated 18.10.2018 passed by the Judicial Magistrate 1st Class, Bhiwani are ordered to be set-aside and the petitioner is ordered to be acquitted of the charges framed against him. The bail bonds of the appellant stand discharged and he may be released forthwith from the custody, if not on bail and if not required in any other case.

10. All pending applications, if any, are disposed of, accordingly.

11. The petition is allowed.

17.09.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO