



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-46872-2024(O&M)
Date of Decision: 08.11.2024

NARPINDER SINGH ALIAS NAPINDER SINGH ALIAS PINDER
SINGH AND OTHERS

....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Dhiraj Jindal, Advocate for the petitioners.

Mr. Amandeep Singh Samra, AAG, Punjab.

Mr. Sahil Siddharth Jain, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.90 dated 25.08.2013 under Sections 324, 323, 326, 341, 148 and 149 of IPC registered at Police Station Amargarh, District Malerkotla along with all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 23.01.2018 (Annexure P-2) on the basis of compromise dated 14.09.2024 (Annexure P-4).

2. This Court vide order dated 20.09.2024 had directed the parties to appear before the Illaqa/Duty Magistrate to get their statements

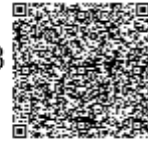


recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the learned Additional District and Sessions Judge, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.10.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence. It is further submitted that there were 08 accused in the present FIR. Out of 08 accused, one was a juvenile namely Gurbir Singh who had been released on probation. Rest of the 07 accused were convicted by learned Judicial Magistrate First Class, Malerkotla vide judgment dated 23.01.2018. Out of 07 convicts, two convicts namely Gurwinder Singh and Jaswinder Singh have died during the interregnum period and the remaining convicts have compromised the matter with the complainant thereafter and have filed the present petition.

4. It is well settled law that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3)***

RCR (Criminal) 1052. It is equally settled position of law that the power



of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***. Reference can also be made to another judgment rendered ***in Ramawatar vs. State of Madhya Pradesh, 2021 CrI. L.R. (SC) 1527***, wherein, it was observed that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an Appellate Court. The pendency of legal proceedings, be that



may before the final Court, is sine-qua-non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. It was also observed that the purpose of these extra-ordinary powers was not to incentivize any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

5. Reliance can also be placed upon ***Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102***, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous. Reference can also be made to the judgment rendered in ***K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184***, whereby, on the basis of the compromise entered into between the parties, Hon'ble



Supreme Court has set aside the judgment of conviction and order of sentence passed by the trial Court and the accused was acquitted of the charge, framed against him under Section 138 of the Negotiable Instruments Act. With these broad submissions, it is urged that the present petition deserves to be allowed.

6. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon’ble Supreme Court in *Gian Singh Versus State of Punjab and others (Supra)*, this petition is allowed and FIR No.90 dated 25.08.2013 under Sections 324, 323, 326, 341, 148 and 149 of IPC registered at Police Station Amargarh, District Malerkotla along with all consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 23.01.2018 (Annexure P-2) on the basis of compromise dated 14.09.2024 (Annexure P-4) are quashed qua the petitioners herein only.

08.11.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No