

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

**CRM-M No. 61065 of 2023 (O&M)
Date of Decision: 05.02.2024**

Fatehveer Singh @ Fatehvir Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab
for respondent No. 1.

Mr. Arpinder Singh Sidhu, Advocate and
Mr. Randhir Singh Thind, Advocate
for respondent Nos. 2 & 3.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of FIR No. 0050 dated 08.05.2017 (Annexure P-1) under Sections 323, 324, 341, 506 & 34 of IPC, registered at Police Station Moonak, District Sangrur, alongwith judgment dated 03.11.2023 passed by the learned Sub Divisional Judicial Magistrate, Moonak alongwith all the consequential proceedings arising out of the said FIR on the basis of compromise dated 20.11.2023 (Annexure P-5).

[2] The petitioner alongwith co-accused Gursharan Singh and Gursewak Singh @ Talli Singh was arrayed as an accused in the aforementioned FIR, lodged at the instance of respondent No.2-

complainant. During the trial, respondent No. 2 compromised the matter with the above said co-accused persons, resulting into quashing the FIR (supra) *qua* them. However, the petitioner was convicted for the offences punishable under Sections 323 & 324 of IPC and sentenced, *inter alia*, for a period of three months, vide order dated 03.11.2023 passed by learned Sub Divisional Magistrate, Moonak. The appeal filed against the same is stated to be pending adjudication before the learned Additional Sessions Judge, Sangrur.

[3] This Court, while issuing notice of motion vide order dated 06.12.2023, directed the parties to appear before the Appellate Court for recording their statements with regard to the validity of compromise.

[4] In pursuance of above order dated 06.12.2023, a report dated 08.01.2024 has been received from the concerned Court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

[5] Thus once, the compromise has been arrived at between the parties without any pressure and respondent No. 2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR *qua* the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial 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 Versus State of Madya Pradesh, 2021(4) RCR (Criminal) 322.*** Relevant para Nos. 18 & 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 extra-ordinary 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 petitioner having settled the dispute with the complainant, the offences committed by the petitioner 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, the petition is **allowed** and the FIR (supra) alongwith judgment of conviction and order of sentence (supra) passed by the trial Court as well as all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

[10] The aforesaid order shall, however, be subject to payment of costs of Rs. 2,000/- to be deposited by the petitioner with the District Legal Services Authority, Sangrur, within a period of two weeks from the date of receipt of certified copy of this order.

February 05, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>