

KULWINDER SINGH AND OTHERS

Versus

STATE OF PUNJAB AND ANOTHER

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajeev Sharma, Advocate for the petitioners.
Mr. Siddharth Sandhu, AAG, Punjab.
Mr. Vikrant Duggal, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.62 dated 10.06.2016 registered at P.S. Koom Kalan, District Ludhiana registered under Sections 452, 324, 427 and 34 of IPC and judgment dated 18.01.2020 passed by the learned JMJC, Ludhiana and all other subsequent proceedings arising therefrom on the basis of compromise dated 01.12.2023 (Annexure P-3).

2. Briefly stated, the petitioners were arrayed as accused in the aforementioned FIR, lodged at the instance of respondent No.2-complainant, in which, petitioners have been convicted under Sections 324, 427 and 452 of IPC. The petitioners under Sections 324 and 427 of IPC were sentenced to undergo rigorous imprisonment for a period of 1 year each along with fine of Rs.1,000/- and in default thereof to further undergo imprisonment for 1 month each whereas, under Section 452 of IPC, the petitioners were sentenced to undergo rigorous imprisonment for a period of 2 years each along with fine of Rs.1,000/- and in default thereof to further undergo rigorous imprisonment for

1 month each vide judgment/order dated 18.01.2020 passed by learned Judicial Magistrate 1st Class, Ludhiana.

3. This Court while issuing notice of motion vide order dated 11.12.2023 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

3. In pursuance of aforesaid order dated 11.12.2023 passed by this Court, a report dated 06.01.2024 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.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has 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.

5. 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 the appeal. 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.***

6. 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 Madya 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](#) CrPC 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.”

7. Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainant, the offences committed by the petitioners thus, stand compounded.

8. 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, FIR No.62 dated 10.06.2016 registered at P.S. Koom Kalan, District Ludhiana registered under Sections 452, 324, 427 and 34 of IPC and judgment dated 18.01.2020 passed by the learned JMIC, Ludhiana passed by the Trial Court as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

25.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No