

CRM-M No.62699 of 2023

2024:PHHC:018040

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

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CRM-M No.62699 of 2023

Date of Decision: 08.02.2024

JARNAIL SINGH AND ORS**.....Petitioner(s)****Vs****STATE OF PUNJAB AND OTHERS****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Mandeep Singh, Advocate
for the petitioner(s).

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

Mr. Vidhant Setia, Advocate for
Ms. Shivani Chauhan, Advocate
For respondent Nos.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer is made for quashing of Complaint No.COMI/12/2016 dated 06.02.2016 registered under Sections 325, 323, 452, 504 and 506 IPC at Police Station Sadar Jalalabad (Annexure P-1) along with all consequential proceedings arising therefrom and setting aside the judgment of conviction and order of sentence dated 28.02.2019 passed by the Judicial Magistrate Ist Class, Jalalabad (Annexure P-2) on the basis of compromise/affidavits of respondent Nos.2 and 3 (Annexures P-3 and P-4).

2. In pursuance of the aforesaid Complaint No.COMI/12/2016 dated 06.02.2016, the petitioners have been convicted and sentenced vide judgment/order dated 28.02.2019 passed by Judicial Magistrate Ist Class, Jalalabad to the following effect:-

Offence U/s	Sentence	Fine	Sentence in default
323 read with Section 34 IPC	RI for six months	Rs.2000/-	RI for one month
452 read with Section 34 IPC	RI for one year	Rs.2000/-	RI for one month

All the sentences were ordered to run concurrently.

3. Aggrieved thereof, the petitioners have filed an appeal which is pending in the Court of Addl. District and Sessions Judge, Fazilka.
4. During pendency of the aforesaid appeal, better sense prevailed and both the parties, who are residing in the same locality entered into a settlement with an intent to withdraw the cases pending against each other. The affidavits dated 16.08.2023 and 20.10.2023 executed by respondent Nos.2 and 3 have already been annexed with this petition as Annexures P-3 and P-4.
5. Notice of motion was issued on 13.12.2023 and both the parties were directed to appear before the Appellate Court for recording their statements with regard to the validity of compromise.
6. In pursuance of the aforesaid order dated 13.12.2023 passed by this Court, whereby the parties were directed to appear before the Appellate Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 02.02.2024 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.

7. In view of the above noted subsequent development, learned counsel for the petitioners submits that the parties having settled their disputes in order to bury their differences being residents of the same locality, the Complaint in question along with all consequential proceedings arising therefrom and judgment of conviction and order of sentence dated 28.02.2019 passed by the Judicial Magistrate Ist Class, Jalalabad be thus, quashed. For the said purpose, learned counsel for the petitioners places reliance upon judgment of this court passed in **“Kulwinder Singh and others vs. State of Punjab”, 2007(3) RCR (Criminal) 1052** and **“Gian Singh vs. State of Punjab and another”, 2012(4) RCR (Crl.)543.**

8. On the other hand, learned counsel for the complainant-respondent Nos.2 & 3, while accepting the factum of settlement, raises no objection in quashing of the Complaint.

9. The parties being residents of same locality, having settled their disputes so as to maintain peace and harmony and also for the betterment and safety of their generations to come, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, it would be rather in the interest of both the parties to render a complete quietus to the criminal proceedings and thus, no cause remains for this Court to invest further time and effort in adjudicating this revision petition on merits. My aforesaid view is mainly derived from the proposition of law laid down by the Hon'ble Supreme Court in case of **“Ram Gopal vs. State of Madhya 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 scopious 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 extraordinary power enjoined upon a High Court under Section 482Cr.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.”

10. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, Complaint No.COMI/12/2016 dated 06.02.2016 registered under Sections 325, 323, 452, 504 and 506 IPC at Police Station Sadar Jalalabad (Annexure P-1) along with all consequential proceedings arising therefrom and judgment of conviction and order of sentence dated 28.02.2019 passed by the Judicial Magistrate Ist Class, Jalalabad, are hereby quashed *qua* the

petitioners on the basis of compromise/affidavits tendered by respondent Nos.2 & 3 as Annexures P-3 and P-4, subject to payment of cost(s) of Rs.20,000/- to be deposited by the petitioners in the Poor Patients Welfare Fund of the PGIMER, Chandigarh, within a period of two weeks from today.

February 08, 2024

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(HARKESH MANUJA)
JUDGE

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