



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

**CRA-S-1368-SB-2011 (O&M)**

**Date of Decision: 30.07.2025**

**Kulwant Singh**

**..... Appellant**

**Versus**

**State of Punjab**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sandeep K. Sharma, Advocate and  
Ms. Kudrat Sareen, Advocate for the appellant.

Mr. J.S. Arora, D.A.G., Punjab.

**RAJESH BHARDWAJ, J.**

1. Present appeal has been filed by the appellant, namely, Kulwant Singh against the order dated 27.04.2011 passed by the learned Special Judge, SBS Nagar vide which he was convicted in case FIR No.42, dated 30.10.2005, under Sections 323, 325, 452 & 34 of IPC and Sections 3(i)(x) of SC and ST (Prevention of Atrocities) Act, registered at Police Station Pojewal and sentenced under Section 325 IPC to undergo rigorous imprisonment for a period of 02 years and to pay a fine of Rs.1,000/- and in default of payment of fine, he shall further undergo rigorous imprisonment for a period of 03 months and further undergo rigorous imprisonment for a period of 06 months for the offence under Section 323 IPC.

2. As per the prosecution story, the complaint was lodged on the statement of complainant, namely, Surinder Pal. It was alleged that on 28.10.2005 at about 4:15 pm, when he came to his house for taking meal,



Kulwant Singh, Gian Singh, Satinder Kaur and Surinder Kaur came in front of his house and started quarreling over a blocked drain. Satinder Kaur and Surinder Kaur came inside his house and caused injuries to the wife of Surinder Pal. Thereafter, Kulwant Singh and Gian Singh also caused injuries to the complainant and threw him in the drain. After raising hue and cry, all the assailants escaped from the spot. The complainant and his wife were shifted to Civil Hospital, Saroya. Thus, the request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. After the trial, the appellant was convicted and sentenced as stated above by the learned trial Court, hence this appeal has been filed before this Court by the appellant assailing his conviction and sentence detailed above.

3. During the pendency of the appeal, both the parties have entered into compromise and hence CRM-29484-2025 has been filed for compounding the offence under Sections 323 & 325 IPC in view of the compromise arrived at between the parties. The compromise deed has been placed on record as Annexure-1.

4. Learned counsel for the appellant, at the outset, has submitted before this Court that during the pendency of present appeal, both the parties with the intervention of respectables, have settled their dispute amicably by way of compromise deed dated 26.07.2025. He has submitted that the offence under Sections 323 & 325 IPC are compoundable. He further submits that in view of the settlement effected between the parties, the parties be allowed to compound the offence and



the appellant be acquitted of the charges framed against him. To buttress his arguments, he has relied upon the judicial precedents of Hon'ble Supreme Court in 'Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322' and submits that the conviction order be set aside by allowing the appellant to compound the offence. He further submits that the Hon'ble Supreme Court in similar facts and circumstances, has settled the law that High Court should invoke its inherent power under Section 482 Cr.P.C. (Section 528 of BNSS) to meet the ends of justice.

5. Learned counsel for the State has opposed the contentions raised by learned counsel for the appellant. He has submitted that there are specific allegations against the appellant, who had caused injuries to the complainant and after thorough trial, he was convicted and sentenced under Sections 323 & 325 of IPC. However, he has endorsed the factum of compromise between the parties.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It is evident that on the basis of allegations against the appellant, the FIR was registered and he was tried by the trial Court. Learned trial Court vide its judgment dated 27.04.2011, convicted the applicant/appellant for the offence under Sections 325 & 323 of IPC and sentenced for 02 years rigorous imprisonment. The compromise arrived at between the parties has been proved by way of compromise deed,



which has been placed on record by the appellant as Annexure A-1.

Offences under Sections 325 & 323 IPC, are compoundable offences.

8. Hon'ble Supreme Court in **Ramgopal V. State of Madhya Pradesh (supra)** has held as under:-

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 528 BNSS would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice.

XX XX XX

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C., 1973 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., 1973 (Section 528 BNSS) 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., 1973 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. This Court while taking into consideration the abovesaid authority relied upon by the learned counsel for the appellant is of the view that the present case is a fit case where the Court should exercise its jurisdiction to accept the compromise effected between the parties which appears to be voluntarily without any force or coercion. The parties have buried their differences and have decided to end their dispute.

10. Hon’ble Supreme Court, in ‘**Mrs.Shakuntala Sawhney Vs. Mrs. Kaushalya Sawhney and others**’ (1980) 1 SCC 63, aptly summed up the essence of compromise in the following words:- ‘the finest hour of justice arrives propitiously when parties despite falling apart, bury the hatchet and weave a sense of fellowship of re-union.

11. This Court in the case of **Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102** has considered the issue of compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice and has observed as under:-

*"15. The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its*



*inherent power under Section 482 Criminal Procedure Code and pass an appropriate order so as to secure the ends of justice.*

16. *As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910 : (2008)5 SCC 794**, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498A Indian Penal Code and sentenced to 18 months' imprisonment and his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.*

17. *The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.*

18. xxxx xxxx

19. xxxx xxxx



20. xxxx xxxx

21. *In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. 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 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.*

22. *Consequently, and for the reasons afore-stated, we allow this petition and set aside the judgment and order dated 16.03.2009 passed in Criminal Case No. 425-1 of 2000 of Additional Chief Judicial Magistrate, Hisar, on the basis of compromise dated 08.08.2011 arrived at between them and their step-mother respondent No.2 (Smt. Reshma Devi) w/o late Rajmal qua the petitioners only. As a necessary corollary, the criminal complaint filed by respondent No.2 is dismissed qua the petitioners on the basis of above-stated compromise. Resultantly, the appeal preferred by the petitioners against the above-mentioned order dated 16.03.2009 would be rendered infructuous and shall be so declared by the first Appellate Court at Hisar."*

12. Similar view has been taken by this Court in the case of **‘Baghel Singh Versus State of Punjab 2014(3) RCR (Criminal) 578’**, **Lal Chand Versus State of Haryana, 2009 (5) RCR (Criminal) 838**, **Chhota Singh Versus State of Punjab 1997(2) RCR (Criminal) 392**



**and Ram Parkash and others Vs. State of Punjab and others, CRM-M-17272-2025 dated 28.01.2016.**

13. Weighing the facts and circumstances of the present case on the anvil of law settled, CRM-29484-2025, filed by the appellant is allowed. The offence under Sections 323 & 325 IPC are allowed to be compounded. Accordingly, appeal filed by the appellant is disposed of in view of the compromise arrived and order of conviction and sentence dated 27.04.2011, passed against him, is set aside and he shall be deemed to have been acquitted of the charged offences for all intents and purposes.

**30.07.2025**  
*ps-I*

**(RAJESH BHARDWAJ)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |