



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRA-S-1650-SB-2016 (O&M)
Date of decision: 14.07.2025

Krishan Kumar and Others ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Pankaj Nanhera, Advocate,
For the appellants.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Yogesh Vashisth, Advocate,
for the complainant.

H.S. GREWAL, J. (Oral)

1. The present appeal has been preferred against the judgment of conviction dated 30.03.2016 and order of sentence dated 06.04.2016, passed by the Court of Additional Sessions Judge, Kaithal, whereby all the present appellants were convicted for the offence punishable under Sections 148, 452, 307, 323, 325, 506 read with Section 149 IPC and were sentence to undergo as under: -

Under Section	Punishment	Fine	In default thereof
U/s 307 R/W Section 149 IPC	RI for 7 years	Rs.20,000/-	SI for 1 year
U/s 325 R/W Section 149 IPC	RI for 3 years	Rs.5,000/-	SI for 3 months
U/s 452 R/W Section 149 IPC	RI for 3 years	Rs.3,000/-	SI for 2 months
U/s 506 R/W Section 149 IPC	RI for 2 years	Rs.2,000/-	SI for 1 months
U/s 148 IPC	RI for 2 years	Rs.2,000/-	SI for 1 months
U/s 323 R/W Section 149 IPC	RI for 6 months	Rs.500/-	SI for 15 days



2. Brief facts of the case are that on 06.06.2012 at about 5:30 am, when complainant/injured Satpal along with his brother Satta, cousin Ishma and other family member was sleeping in the courtyard of their house and at that time he was serving grass to the cattle, then Vijay, Krisha, Rajmal, Vikash, Rajender sons of Bharthu and Bharthu son of Shadi came and started hurling abuses. He tried to pacify them, but they said that they have stolen the relics of Shishpal from the cremation ground and today they will take revenge. In the meantime, Tara, Jagira sons of Bhagtu, Ishwar son of Tara, Jai Narain, Jassi son of Jagira also came to their house and accused Vijay gave a *gandasi* blow on his left leg. Upon it, he raised hue and cry. Then Krishan gave a brick blow on his chest. Thereafter Rajmal gave a lathi blow on his shoulder, Vikash gave a lathi blow on his head. On hearing his noise, his brothers came at the spot. All the above-named persons in furtherance of their common object caused injuries to him and his family members. Because of sustaining injuries, all of them fell down on the ground. On hearing their noise of *mardia-mardia*, his son Pawan Kumar and relative Bhim Singh resident of village Kuchpura attracted at the spot and rescued them from the clutches of the accused and thereafter rushed them to general hospital, Kaithal. While leaving the spot, the accused threatened them with dire consequences of death. He prayed for taking legal action against the culprits. On the basis of above statement, formal FIR was registered. After completion of Investigation and trial, the appellants have been convicted and sentenced as mentioned above.

3. At the very outset, learned counsel for the appellants submits that in the present case, the main accused was Jagira who caused head injury with the help of *gandasi* on head of Ishma (brother of complainant) but he was exonerated by the police during investigation of the case. Remaining applicants-appellants faced trial and were convicted vide judgment dated



30.3.2016 for offence punishable under Section 307, 323, 325, 452, 506 with the aid of Section 149 IPC and also under Section 148 IPC and sentenced to imprisonment.

Being aggrieved by the aforesaid judgment and order, the applicants-appellants filed the present appeal, however, during the pendency of the appeal, the matter has been compromised between the parties and to this effect, the applicants-appellants have moved an application (CRM-14282-2017). Further, complainant-Satpal has died in the meantime and now remains only two witnesses namely Ishma and Satta and both of them along with LRs of Satpal (complainant) are having no objection if the present appeal is decided in light of the aforesaid compromise. He further submits that appellants were ordinary villagers and they are staying peacefully for the last several years. In appropriate cases, this Court can always exercise the extraordinary powers of this court, conferred under Section 482 Cr.P.c. to secure the ends of justice. Learned counsel for the appellants also referred to the judgments passed by the Hon'ble Supreme Court in the matter of "*Ramgopal and another vs. State of Madhya Pradesh*", 2021 (4) R.C.R. (Criminal) 322, *Narinder Singh Vs. State of Punjab* 2014 (2) RCR (Criminal) 482, in support of his contention. The relevant paras of *Ramgopal case (supre)* is reproduced as under:

10. The compendium of these broad fundamentals structured in more than one judicial precedent, has been recapitulated by another 3-Judge Bench of this Court in State of Madhya Pradesh vs. Laxmi Narayan & Ors.² elaborating:

“(1) That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character,



particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

(2) Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

(3) Similarly, such power is not to be exercised for the offences under the special statutes like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

(4) xxx xxx xxx

(5) While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.” (Emphasis Applied)

11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under [Section 320](#) Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of [Section 320](#) Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of [Section 320](#) Cr.P.C., which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of [Section 320](#)



Cr.P.C. is not an embargo against invoking inherent powers by the High Court Page vested in it under [Section 482](#) Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press [Section 482](#) Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under [Section 482](#) Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly 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 Page | 10 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 extra-ordinary power under [Section 482](#) Cr.P.C. 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. A restrictive construction of inherent powers under [Section 482](#) Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against



perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. vs. State of Punjab & Ors.**³ and **Laxmi Narayan (Supra)**.

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

4. Learned counsel appearing on behalf of the respondent/complainant stated that he has no objection in case the offences are ordered to be compounded by this Court as the parties have amicably resolved all their disputes and they may be permitted to compound the offences and the appellants in the present appeal may be ordered to be acquitted.

5. I have heard learned counsel for the parties and perused the paper book carefully.

6. In the present case, the appellants as well as the complainant side and injured belong to the same village. From a perusal of the facts of the case, it is evident that there was no per-planning and the occurrence had taken place at the spur of the moment over a trivial issue. But now for the last several years, all living in the village peacefully.

7. Learned counsel appearing on behalf of the respondent/complainant, on instructions from the injured, submitted that he has no objection in case the criminal proceedings are annulled by this Court,



while exercising its extra-ordinary jurisdiction under Section 482 Cr.PC on the basis of compromise between the parties. Even the original compromise deed is already available in the file of connected case. Thus, by exercising the powers under Section 482 Cr.PC the parties are allowed to compound the offences, in view of the judgment passed by the Hon'ble Supreme Court in the matter of Ramgopal's case (Supra).

8. Accordingly, the appeal is **allowed** and the impugned judgment of conviction dated 30.03.2016 and order of sentence dated 06.04.2016, passed by the Court of Additional Sessions Judge, Kaithal are set aside and the appellants are ordered to be acquitted of the charges. The bail bonds of all the appellants stand discharged and they may be released from custody, if not on bail and if not required in any other case.

All pending applications, if any, are also disposed off, accordingly.

(H.S. GREWAL)
JUDGE

14.07.2025

anil

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