

2025.PHHC:176507



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

291

CRA-S-4013-SB-2018 (O&M)**Date of decision: 19.12.2025****Hardeep Singh and others****...Appellants****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amit Dhawan, Advocate
for the appellants.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. S. P. Soi, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been preferred against the judgment of conviction and order on quantum of sentence, both dated 27.09.2018, passed by the Court of learned Additional Sessions Judge, Jalandhar in case arising out of FIR No. 215 dated 19.12.2015, registered under Sections 336, 307, 506, 511 and 34 of IPC and Section 27 of the Arms Act, 1959 at Police Station Mehatpur, Jalandhar, whereby appellant No. 1 was held guilty for commission of offences punishable under Sections 307 and 506 of IPC and Section 27 of the Arms Act, whereas appellants No. 2 and 3 were held guilty for commission of offences punishable under Sections 307, 506 read with Section 34 of IPC and all of them were sentenced to undergo rigorous imprisonment for a maximum period of 03 years with default clauses of fine.

2. During the pendency of the present appeal, a compromise has been arrived at between the parties and vide order dated 21.02.2025, the parties were directed to appear before the learned Chief Judicial Magistrate, Jalandhar for recording of their statements qua genuineness/correctness of the compromise and that the compromise was not the result of any fraud or misappropriation.

3. Pursuant to the aforesaid order, the Chief Judicial Magistrate, Jalandhar has sent a report dated 13.03.2025 to this Court along with the statement of respondent No.2/complainant as well as of the appellants, recorded on 25.02.2025.

4. On the basis of these statements, it is submitted by learned Chief Judicial Magistrate, Jalandhar that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion.

5. Learned counsel for the appellants has submitted that keeping in view the fact that a compromise has been arrived at between the parties, which has been found to be genuine and valid, the present appeal may be allowed, thereby setting aside the aforementioned judgment of conviction and order on quantum of sentence.

6. Learned counsel for respondent No. 2 has submitted that he has no objection, if the present appeal is allowed on the basis of the compromise arrived at between him and the appellants.

7. Learned State counsel has not disputed the factum of compromise arrived at between the parties.

8. This Court has heard the rival submissions.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution

materia with Section 482 of Cr.P.C.) where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***. Reference can also be made to another judgment rendered in ***Ramawatar vs. State of Madhya Pradesh, 2021 CrL L.R. (SC) 1527***, wherein, it was observed that the powers under Article 142 or under Section 482 of Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an Appellate Court. The pendency of legal proceedings, be that may before the final Court, is sine-qua-non to involve the superior court's plenary powers to

do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. It was also observed that the purpose of these extra-ordinary powers was not to incentivize any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

10. Reliance can also be placed upon *Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102*, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous. Reference can also be made to the judgment rendered in *K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184*, whereby, on the basis of the compromise entered into between the parties, Hon'ble Supreme Court has set aside the judgment of conviction and order of sentence passed by the trial Court and the accused was acquitted of the charge, framed against him under Section 138 of the Negotiable Instruments Act.

11. Accordingly, the present appeal is allowed and FIR No. 215 dated 19.12.2015, registered under Sections 336, 307, 506, 511 and 34 of IPC and Section 27 of the Arms Act, 1959 at Police Station Mehatpur, Jalandhar

along with all the consequent proceedings arising therefrom including the judgment of conviction and order on quantum of sentence, both dated 27.09.2018, passed by the Court of learned Additional Sessions Judge, Jalandhar is quashed qua the appellants on the basis of the compromise entered into between the parties. Their personal/surety bonds be discharged accordingly.

12. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Chief Judicial Magistrate, Jalandhar.

19.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No