

**CRR-511-2020(O&M)****1****135**

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

**CRR-511-2020 (O&M)
Decided on :19.05.2025**

Tarlochan Singh Baath**.....PETITIONER**

VERSUS

State of Punjab and another**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. P.S. Punia, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab.

Mr. Abhay Bhardwaj, Advocate for the complainant.

SANJAY VASHISTH, J (ORAL)

1. Present revision petition has been filed against the order dated 06.02.2020 passed by learned Additional Sessions Judge, SAS Nagar, Mohali, whereby appeal filed against the judgment and order of sentence dated 10.05.2016 passed by learned Judicial Magistrate First Class, SAS Nagar, Mohali, convicting the petitioner for committing offence under Section 420 IPC, sentenced to undergo rigorous imprisonment for a period of 03 years and to pay fine of Rs.2,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month, was dismissed.



2. During the pendency of the revision petition before this Court, dispute between the parties was amicably resolved, and thereupon, on 27.03.2025, following order was passed by this Court:-

“CRM-11167-2025

- i) *Present application has been filed under Section 528 of BNSS, seeking permission to implead complainant namely Tarlochan Singh Baidwan, s/o Harbhajan Singh, resident of H.No. 1169, Progressive Socety, Sector-50-B, Chandigarh as party-respondent No.2 to the revision petition.*
- ii) *Learned Senior counsel for the petitioner submits that except the propose respondent No.2 there is no other victim or complainant in the present case.*
- iii) *Notice of the application.*
- iv) *Mr. Amandeep Singh, DAG, Punjab, appears on behalf of respondent/State.*
- v) *For the reasons enumerated in the application, same is allowed and Tarlochan Singh Baidwan, s/o Harbhajan Singh, resident of H.No. 1169, Progressive Socety, Sector-50-B, Chandigarh is ordered to be impleaded as party-respondent No.2. Amended memo of parties is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.*
- vi) *Application stands disposed of.*

CRM-11168-2025

- i) *Present application has been filed under Section 528 of BNSS, seeking permission to compound the offence as the petitioner has compromised with complainant.*
- ii) *Notice of the application for 19.05.2025*
- iii) *Let affidavit be filed by respondent No.2 in regard to the contentions made by the applicants in the application.*
- iv) *As the main case is not listed today and is on the regular board, Registry is directed to list the main case alongwith the present application on the date fixed i.e. 19.05.2025.*
- v) *To be shown in the urgent list.”*

3. In compliance of the order dated 27.03.2025 passed by this Court, Mr. Abhay Bhardwaj, Advocate appearing on behalf of respondent No.2 affidavit of Tarlochan Singh Baidwan has already been filed. Registry is directed to tag the same at appropriate place with the paper-book.



Learned counsel for the complainant submits that the dispute between the parties has now been amicably settled, and refers to paragraphs No. 5 to 8 of the affidavit dated 09.04.2025, wherein it has been categorically stated by the deponent that the dispute has been resolved and that the deponent has no objection if application CRM-11168-2025 is allowed and permission to compound the offence is granted. Learned counsel further submits that the complainant has no objection to the compounding of the offence.

For reference, paragraph Nos.5,6 and 7 of the affidavit dated 09.04.2025 are reproduced herebelow:

- “1. xxxx
2. xxx
3. xxx.
4. xxx
5. *That now the petitioner and the deponent complainant have compromised the matter. The offence under Section 420 IPC is compoundable.*
6. *That during the pendency of civil appeal before Additional District Judge, parties have compromised the matter vide compromise dated 11.03.2025 (Annexure A-3) and on the basis of compromise and the civil appeal No.185 of 2018 was disposed of vide order dated 11.03.2025(Annexure A-2).*
7. *That deponent has no objection in case the permission to compound the offence is granted and as a consequence revision petition is allowed and petitioner is acquitted of the charge.*
8. *That the deponent has no objection in CRM-11168-2025 is allowed and permission to compound the offence is granted as a consequence petitioner is acquitted of the charge.”*

4 Reliance is placed upon the Full Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3)**

RCR (Criminal) 1052, has observed as under:-



“(28) *To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".*

(29) *In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others, Hon'ble Krishna Iyer, J. aptly summoned 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 reunion.”

(30) *The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

(31) *No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*



(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”*

5. In this regard, counsel for the petitioner has also placed reliance on the judgment(s) of:

- i) Hon’ble the Supreme Court rendered in the cases of **Narinder Singh and others v. State of Punjab and another**, (2014) 6 SCC 466; and **Ramgopal and another v. The State of Madhya Pradesh**, 2021 SCC Online SC 834;
- ii) a Division Bench judgment of this Court in the case of **Sube Singh and another v. State of Haryana and another**, 2013 (4) RCR (Criminal) 102; and



- iii) a recent judgment passed by this Court in the case of Lakhbir Singh v. State of Punjab and another (CRA-S2065-SB-2007, decided on 14.02.2023 : Law Finder Doc ID #2138925).

6. Thus, on the basis of cited judgments counsel submits that in view of the compromise/settlement arrived at between the parties; by compounding the offence, proceedings can be quashed for the offence in question.

7. Since, the dispute has already been resolved, the offence under Section 420 IPC, is ordered to be compounded. Thus, CRM-11168-2025 in CRR-511-2025, is allowed, and resultantly, the judgment of conviction and order of sentence passed by the Court(s) below, is ordered to be considered inoperative and of no consequence for all intents and purposes.

8. Present revision petition stand disposed of, with the aforesaid observations.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(SANJAY VASHISTH)
JUDGE

19.05.2025
Rashmi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>