

2025:PHHC:064290



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

**CRM-M-20611-2025
DECIDED ON: 14.05.2025**

MAKHAN SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushager Goyal, Advocate
for the petitioners

Mr. Chetan Sharma, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

This is Second Petition under section 528 of BNSS, 2023 (earlier 482 of Code of Criminal Procedure, 1973) for quashing of FIR No.346 Dated 08.12.2014 under Sections 420, 467, 468, 471, 506 & 120-B of Indian Penal Code, 1860 registered at Police Station, Kalan wali, District Sirsa (Annexure P-1) on the basis of compromise dated 04.04.2025 (Annexure P-4) as well as all consequential proceedings arising out of it, including judgment of conviction dated 07.08.2018 and order of sentence dated 09.08.2018 (Annexure P-2) passed by Ld. Court of Judicial Magistrate 1st Class, Dabwali, vide which petitioner have been convicted under sections 417, 467, 468, 471 and 120- B of Indian Penal Code, 1860 regarding which appeal bearing no. CRA-317 of 2018 is pending before Ld. District and Sessions Judge, Sirsa, in the interest of justice.

Vide order dated 23.04.2025, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 08.05.2025 has been received from Judicial Magistrate 1st Class, Dabwali, Sirsa, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners submits that since the matter has been amicably settled between the parties, therefore, orally request that the parties may be permitted to compound the offence; and by setting aside the judgments/order passed by the Court below, the petitioner be ordered to be acquitted of the charges.

Mr. Himanshu Setia, Advocate has put in appearance on behalf of respondent No.2 and filed his Power of Attorney, which is taken on record. He does not dispute the compromise arrived at between the parties. He has expressed his no objection for compounding of the offence as prayed by the counsel for the petitioner.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“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 noncompoundable 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.

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 parameters 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.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303'**. Furthermore, the broad principles for exercising the powers under Section 482 (now Section 528 of BNSS) were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641'**.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time.

In view of the above, finding the prayer of the petitioner to be genuine and in view of the fact that the matter has been amicably settled between the parties, this Court finds that it would not be unjustified if the offence, for which the petitioner has been convicted, is permitted to be compounded.

In view of above, FIR No.346 Dated 08.12.2014 under Sections 420, 467, 468, 471, 506 & 120-B of Indian Penal Code, 1860 registered at Police Station, Kalan wali, District Sirsa (Annexure P-1) on the basis of compromise dated 04.04.2025 (Annexure P-4) as well as all consequential proceedings arising out of it, including judgment of conviction dated 07.08.2018 and order of sentence dated 09.08.2018 (Annexure P-2) passed by Ld. Court of Judicial Magistrate 1st Class, Dabwali, vide which petitioner have been convicted under sections 417, 467, 468, 471 and 120- B of Indian Penal Code, 1860, is quashed qua the petitioners.

The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

14.05.2025

Sham/Meenu

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