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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

238-A

CRR-1211-2021 (O & M)
Date of decision: 25.09.2025

HARDEEP SINGH
Versus
STATE OF PUNJAB AND ANOTHER
....Petitioner
...Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dinesh Kumar, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.
Mr. Manish Kumar Singla, Advocate, for respondent No.2.

AMAN CHAUDHARY, J. (ORAL)

1. Instant revision has been filed against the judgment of conviction and order of sentence dated 12.07.2017 passed by learned Judicial Magistrate Ist Class, Fatehgarh Sahib, vide which the petitioners were convicted and sentenced to undergo as under:

Name of accused	u/S	Imprisonment	Fine
Hardeep Singh	324 IPC	One (1) year SI	-
Harchand Singh	324 read with Section 149 IPC	One (1) year SI	
Paramjit Singh		One (1) year SI	
Balwant Singh		One (1) year SI	
Hardeep Singh	323 read with Section 149 IPC	Six (6) months SI	
Paramjit Singh		Six (6) months SI	

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Balwant Singh	323 IPC	Six (6) months SI	-
Harchand Singh		Six (6) months SI	
Hardeep Singh	506 IPC	Six (6) months SI	-
Harchand Singh			
Paramjit Singh			
Balwant Singh			

Against the said judgment/order, appeal filed by the petitioners was dismissed vide judgment dated 13.09.2021 by learned Addl. Sessions Judge, Fatehgarh Sahib.

2. Concisely, the facts of the case are that DDR No.27 dated 19.09.2011, under Sections 324, 323, 147, 148 and 149 IPC was registered on the statement of Gurmit Singh, wherein he stated that on 15.09.2011, accused-Gurdeep Singh was wandering on the motor-cycle in drunkard condition at the backside of his house; that accused Gurdeep Singh and Hardeep Singh started digging the earth and when he raised objection, both the accused started pelting bricks/stones on him. Accused Hardeep Singh took kirpan from his house and hit the complainant on his head, whereas accused Gurdeep Singh also gave a kirpan blow on his head. Complainant further alleged that after hearing the hue and cry, his mother Surjit Kaur came for his rescue who was also hit by accused-Harchand Singh with an iron rod on her head, whereas accused Paramjit Singh hit the complainant with *danda* on his left shoulder and accused Balwant Singh and Dalvir Singh also allegedly beaten up the complainant, whereafter all the accused fled away from the spot while threatening the

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complainant with dire consequences. After completion of investigation in all respects, challan was presented against the accused.

3. Finding a prima facie case regarding offences punishable under Sections 148, 323, 324, 506 and 149 IPC, charges were framed against the accused for trial, to which they pleaded not guilty and claimed trial. Thereafter, the prosecution evidence was commended.

4. In order to prove its case, prosecution examined ASI Parkash Singh as PW 1, complainant-Gurmit Singh as PW 2, Inderjit Singh as PW 3, ASI Harpreet Singh as PW 4, ASI Jaswant Singh as PW 5, Dr. Jashanpreet Singh as PW 6, ASI Naresh Kumar as PW 7, Dr. N.S.Bajwa as PW 8 and Mangat Ram as PW 9. Thereafter, learned APP closed the prosecution evidence.

5. The statements of accused under Section 313 of Code of Criminal Procedure was recorded separately wherein all the incriminating evidence produced against the accused was put to them in question answer form to which they denied and claimed false implication. However, they did not examine any witness in defence and closed the same.

6. After hearing the arguments of the learned counsel for the parties and having gone through the record of the case, the learned trial court convicted and sentenced the accused/petitioner as stated above.

7. Aggrieved, convict-petitioners filed appeal, which was dismissed by the first Appellate Court vide impugned judgment dated 13.09.2021.

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8. Hence, the present revision petition.

9. The petitioners have prayed for compounding of the offence under Section 320 Cr.P.C. as compromise between the parties had been arrived at on 22.09.2021, Annexure P-1, which fact was affirmed by the learned counsel for the complainant. Accordingly, this Court, vide order dated 18.09.2025, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statement with regard to the compromise.

10. Pursuant to the aforesaid order, report dated 24.09.2025 has been received from the Chief Judicial Magistrate, Fatehgarh Sahib. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

11 The Hon'ble Full Bench of this Court in case **Kulwinder Singh vs. State of Punjab and another**, 2007(3) RCR (Criminal) 1052 and Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another**, 2013(4) RCR (Criminal) 102 observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

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12. The Hon'ble Apex Court in the case of **Gian Singh Versus State of Punjab and another** 2012(4) RCR (Criminal) 543 has held as under:-

"57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz: (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by

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not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

13. The same view has been reiterated by Hon'ble the Apex Court in case **Narinder Singh and others Vs. State of Punjab and another**, 2014(2) RCR (Criminal) 482.

14. In view of the fact that the parties have amicably settled the dispute, which has been reduced in writing and the judgments referred to above, the petitioners are permitted to compound the offence. The judgment of conviction and order of sentence dated 12.07.2017 recorded by the trial Court and affirmed by the Appellate Court are hereby set aside. The petitioners are acquitted of the charges framed against them.

15. The revision petition stands disposed of accordingly.

16. Needless to say that the parties shall remain bound by the terms and conditions of the settlement/agreement.

25.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No