

CRA-S-48-2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-48-2022 (O&M)

Lovepreet @ Kanas ...Petitioner(s).

Versus

State of Haryana and another ...Respondent(s).

Judgment reserved on	Judgment pronounced on	Operative Part Pronounced or full	Uploaded on
06.03.2026	13.03.2026	Fully pronounced	13.03.2026

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raghav Sharma, Advocate
for the appellant(s).

Mr. Birender Bikram Attray, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
232	4.7.2019	Ladwa, Kurukshetra	341, 379B, 506, 120B, 34 IPC

Case No.	Sessions Case No.17 of 2020. CNR No.HRKU010007592020. Date of Decision: 13.12.2021
Names of appellant(s)	Lovepreet @ Kanas
Conviction under sections	379A IPC
Sentence imposed	Rigorous Imprisonment for a period of 5 years each along with fine of Rs.25,000/- each and in default, to further undergo rigorous imprisonment for four months each.

1. This appellant-convict namely Lovepreet @ Kanas, has come up before this Court by filing the present appeal seeking setting aside of his conviction and order of sentence passed against him..
2. Vide order dated 02.02.2022, the present appeal was admitted and recovery of the fine amount was stayed. Subsequently, vide order dated 30.05.2022, the substantive sentence of the appellant-convict was suspended during the pendency of the appeal.
3. During the pendency of the present appeal, the appellant-convict filed application(s) for impleading the complainant as respondent no.2 and for setting aside of the judgment the aforesaid judgment of conviction and order of sentence, as mentioned above, on the ground

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that the matter has been amicably settled between the parties vide compromise deed dated 13.01.2022 (Annexure A-1). Accordingly, this Court vide order dated 08.01.2024, impleaded the complainant as respondent no.2. The complainant appeared through his counsel and stated that he has compromised the matter with the appellant-convict. On their joint request, they were directed to appear before the concerned Trial Court/Illaqa Magistrate for getting their statements recorded with regard to the compromise so arrived and the trial Court/Illaqa Magistrate was directed to ascertain the genuineness and voluntariness of the compromise so arrived at.

4. Pursuant thereto, a report dated 18.01.2024 was received from the learned District and Sessions Judge, Kurukshetra, wherein it was reported that the parties had voluntarily entered into a compromise and that the complainant had no objection if the FIR in question, the judgment(s) of conviction, order(s) of sentence and all consequential proceedings arising therefrom *qua* the appellant-convict Lovepreet @ Kanas are set aside.

5. There are three convicts, out of whom the appellant-convict has filed the present appeal challenging the judgment of conviction and order of sentence. However, during the pendency of the appeal, the appellant entered into an out-of-Court settlement with the complainant, who has unequivocally stated that he has no objection to the setting aside of the conviction and sentence *qua* the appellant.

6. The question which arises for consideration before this Court is whether the proceedings can be legally quashed or compromised *qua* the appellant alone.

7. This Court is of the considered opinion that if the pendency of the criminal appeal *qua* the appellant-convict, who has already been released on suspension of sentence, is allowed to continue despite the compromise, the same would unnecessarily impinge upon his liberty guaranteed under Article 21 of the Constitution of India. Even though the appellant is on bail, the pendency of criminal proceedings continues to impose restrictions upon his liberty by way of subsisting bail bonds and the stigma of conviction. A pragmatic approach would, therefore, require that where a lawful compromise has been effected between the complainant and one of the convicts, the Court should not unnecessarily prolong the proceedings awaiting final adjudication, but should instead consider closing the proceedings *qua* the concerned convict, provided such compromise can legally be accepted.

8. It would be relevant to refer to certain judicial precedents wherein convictions have been set aside based on the compromise.:

- a). In *Parameswari v. Vennila, (2000) 10 SCC 348*, the appellants before Hon'ble Supreme Court had been convicted under Section 494 read with Section 109 of IPC. After that, they arrived at a settlement with the

complainant, in the presence of panchayatdars of their village, and placed on record the duly signed compromise, and parties filed a joint application for permission to compound the offences. While observing that the offence involved was compoundable with the wife's consent and permission of the Court, Hon'ble Supreme Court granted permission to compound the offence, and resultantly the appellants stood acquitted of the offence for which they have been held guilty.

b). In **M.D. Balal Mian v. State of Bihar, 2001 AIR (SCW) 5190**, out of three convicts, one was convicted under Section 376 IPC, and the other two were convicted only under Sections 325 & 323 of IPC. After the High Court confirmed the conviction and sentence, all three convicts approached Hon'ble Supreme Court. Although Hon'ble Supreme Court did not find any scope for granting special leave by the convict challenging his conviction under section 376 IPC, however, granted the other permission to the other two convicts to compound the offences under Section 320 (8) of the Criminal Procedure Code and acquitted both of them.

c). In **Vuyyuru Ramachandra Rao v. State of Andhra Pradesh, 2001 AIR (SCW) 2396**, the appellant had approached the Hon'ble Supreme Court against upholding the conviction under section 354 IPC. The victim of molestation came to terms with the convict and applied to compound the offence. Hon'ble Supreme Court allowed such application for compounding and resultantly acquitted the appellant under Section 320 (8) of the Criminal Procedure Code.

d). In **Ramachandra Singh v. State of Bihar, 2003(10) SCC 234**, Hon'ble Supreme Court holds,

[5]. We have heard learned counsel for the appellants and the state and taken into, consideration the fact and circumstances of the case. In view of the compromise it appears that grievance, if any, of the complainant Kamlesh Kumari Devi is over. Indeed in view of the compromise the accused appellants stand acquitted of the offence under Section 323 Indian Penal Code. In such circumstances the sentence passed by the trial Court and maintained by the High Court deserves to be modified so far as offence under Section 498A Indian Penal Code is concerned.

[6]. The appeal is partly allowed. The conviction of appellant Nos. 1 and 2 under Section 498A Indian Penal Code is maintained, but the sentence of imprisonment passed on them for offence under Section 498-A is reduced to the period already undergone. In so far as appellant No. 3 is concerned, in our opinion, it will meet the ends of justice if he is dealt with under Section 4 of the Probation of Offenders Act, 1958, and released on probation of good conduct. The sentence of

imprisonment passed on appellant No. 3 is set aside and it is directed that he shall be released on his entering into a bond with one surety in an amount of Rs. 5000/- to appear before the trial Court and receive sentence on being called upon during a period of one year and in the meantime to keep the peace and be of good behaviour.

e). In **K. Kandasamy v. K.P.M.V.P. Chandrasekaran, (2005) 4 SCC 349,** based on the compromise, Hon'ble Supreme Court acquitted the appellant/convicts of the offence under Section 500 Indian Penal Code.

f). In **Khursheed and others v. State of U.P, Appeal (crl.) 1302 of 2007,** decided on 28-9-2007, the appellants were convicted by Trial Court under sections 325, 323 read with 34 IPC. Their appeal against conviction was dismissed by the Sessions Court and revision petition was also dismissed by High Court. The convicts approached the Apex Court and Hon'ble Supreme Court held,

[12]. An offence of causing grievous hurt punishable under Section 325 IPC is covered by sub- section (2) of Section 320 of the Code. It is thus clear that an offence punishable under Section 325 IPC is also compounded with the permission of the Court.

[13]. The parties have compounded the offences. As stated in the compromise deed, Gurfan Ahmad, complainant and his mother Kulsoom @ Bhoori (injured) did not want any action against the appellants (accused). The parties are neighbours, their houses are situated adjacent to each other and they have been living peacefully for last many years and there is no dispute among them. It is further stated that to continue sweet relationship and harmony, complainant side does not want to take any action against the accused. A prayer is, therefore, made to accept the compromise.

[14]. On the facts and in the circumstances of the case, and considering the Deed of Compromise and having heard learned counsel for the parties, in our opinion, ends of justice would be met if we grant necessary permission for compounding an offence punishable under Section 325 read with Section 34 IPC as required by sub-section (2) of Section 320 of the Code. The offence punishable under Section 323 IPC has already been compounded by the parties.

[15]. Sub-section (8) of Section 320 states that the compounding of offence under the section shall have an effect of acquittal of the accused with whom the offence has been compounded. The resultant effect of compounding of offences would be that the accused should be acquitted. In other words, once the offences have been compounded and the requisite permission is granted by the Court, the accused must be acquitted.

g). In **Dr. Arvind Barsaul etc. v. State of Madhya Pradesh, (2008) 5 SCC 794,** after the conviction under section 498-A IPC, the victim wife and the convict husband had compromised their disputes and sought setting aside of

conviction based on the compromise. Hon'ble Supreme Court holds as follows,

[10]. We have heard learned counsel for the parties at length. The parties have compromised and the complainant Smt. Sadhna Madnawat categorically submitted that she does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under section 498A Indian Penal Code. The appeal is accordingly disposed of.

h). In **Manoj & Anr. v. State of Madhya Pradesh, Cr. A No. 1530 of 2008**, Hon'ble Supreme Court, based on compromise, accepted the compounding of the offence under section 324 IPC and acquitted the appellants.

i). In **Md. Abdul Sufan Laskar v. State of Assam, (2008) 9 SCC 333**, based on a compromise, Hon'ble Supreme Court set aside the conviction and sentence under section 324 IPC. Hon'ble Supreme Court took similar views in Mathura Singh v. State of U.P., 2009(13) SCC 420 and in Gampa Govindu v. State of Andhra Pradesh thr. Public Prosecutor, 2008(sup) Cri. L.R. 440: Law Finder Doc Id # 521064.

j). In **C.Muniappan Vs. State of Tamil Nadu, 2009 13 SCC 790**, after the conviction and sentence under section 302 IPC, the deceased's family had compromised the matter with the accused. Rejecting the compromise, Hon'ble Supreme Court observed that once the parties have settled their disputes, they could live in peace, but that cannot be a ground to pass a judgment of acquittal.

k). In **Gampa Govindu v. State of Andhra Pradesh, Law Finder Doc Id # 521064; 2008(1) OriLR839**, Hon'ble Supreme Court holds,

[3]. The Trial Court convicted the sole appellant under Section 326 of the Indian Penal Code [hereinafter referred to as "I.P.C."] and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rupees one thousand; in default, to undergo further simple imprisonment for a period of one month. On appeal being preferred, the Sessions Court confirmed the conviction and sentence. When the matter was taken to the High Court in revision, the conviction and sentence under Section 326 I.P.C. have been set aside and the appellant has been convicted under Section 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. Before this Court, a joint petition of compromise has been filed wherein it has been stated that the parties have settled their disputes; as such, they be permitted to compound the offence. In our view, the prayer is just and must be granted. Accordingly, the criminal appeal is allowed and the conviction

and sentence awarded against the appellant are set aside, in view of the compounding.

l). In **Hirabhai Jhaverbhai v. State of Gujarat, (2010) 6 SCC 688**, permitting the parties to compromise the conviction under section 324 IPC, Hon'ble Supreme Court holds, "The injured complainant and two other injured are permitted to compound the offence punishable under Section 324 Indian Penal Code. In view of sub-section (8) of Section 320 of the Code of Criminal Procedure, the composition of offence under section 324 Indian Penal Code shall have the effect of an acquittal of the appellant with whom the offence has been compounded."

m). In **Surat Singh v. State of Uttaranchal (Now Uttarakhand), 2012(12) SCC 772**, Hon'ble Supreme Court, based on compromise, permitted the parties to compound their offences under section 354 and 506 IPC.

n). In **Jeetu Vs. State of Chhattisgarh, 2013 11 SCC 489**, it is the duty of the appellate Court to arrive at its own independent conclusion after examining the material on record. This exercise has however to be conducted after considering the material on record. There is no power conferred by the Code either on the appellate Court/revisional Court to acquit an accused convicted for a commission of a non-compoundable offence only on the ground that compromise has been entered into between the convict and the informant/complainant.

o). In **Dasan v. State of Kerala, 2014:INSC:54 [Para 10], (2014) 12 SCC 666**, the Hon'ble Supreme Court converted the conviction from 326 IPC to 325 IPC and, based on compromise, accepted the compounding of the offence under section 325 IPC and acquitted the appellant.

p). In **Padmalayan v. Sarasan, (2014) 13 SCC 798**, Hon'ble Supreme Court permitted post-conviction compromise for offence under section 324 IPC.

q). In **Sathiyamoorthy v. State, 2014(3) R.C.R.(Criminal) 867**, after observing that after the compromise they have been staying peacefully in the village. It is in the interest of both sides to bury the hatchet and lead a peaceful life, Hon'ble Supreme Court holds,

[6]. Offences under Sections 341 and 325 are compoundable. In view of the settlement they can be permitted to be compounded. However, offences under Sections 148 and 149 of the IPC are not compoundable. Hence, permission to compound them cannot be granted. However, since the

accused and the victim have entered into a compromise, we feel that it would be in the interest of both sides to reduce the sentence awarded to the accused under Sections 325 and 341 of the IPC to the sentence already undergone.

[7]. In *Ram Lal and anr. v. State of J & K, 2000(1) R.C.R.(Criminal) 92 : (1999)2 SCC 213* the accused were convicted for offence under Section 326 of the IPC, which is non-compoundable. Looking to the fact that the parties had arrived at a settlement and victim had no grievance, this Court reduced the sentence for the offence under Section 326 to sentence already undergone by the appellants-accused. We are inclined to follow similar course.

8. In the result, the appeal is partly allowed. The offences under Sections 341 and 325 of the IPC, for which the appellants are convicted, are permitted to be compounded because they are compoundable. The appellants are acquitted of the said offences. The appellants are stated to have undergone more than six months imprisonment. So far as offences under Sections 148 and 149 of the IPC are concerned, the conviction of the appellants for the said offences is reduced to the sentence already undergone by them subject to the appellants paying L 30,000/- as compensation to victim-Murugesan. Compensation be paid within three months from the date of this judgment.

r). In *Deva Ram v. State of Rajasthan, 2014:INSC:505 [Para 5], (2014) 13 SCC 275*, the appellant was convicted by Trial Court under section 420 IPC. His appeal against conviction was dismissed by the Sessions Court and revision petition was also dismissed by High Court. The convict approached the Apex Court and Hon'ble Supreme Court held,

[5]. We are informed that out of two years imprisonment the appellant has undergone six months imprisonment. Offence under Section 420 of the IPC is compoundable with the permission of the court by the person who is cheated. Since the parties are related to each other and they have decided to accord a quietus to their disputes and live peacefully, we permit them to compound the offence. Hence, the offence under Section 420 of the IPC for which the appellant was convicted is compounded because it is compoundable with the permission of the court. The appellant is acquitted of the said charge.

s). In *Ravinder Kaur v. Anil Kumar, 2015:INSC:301, (2015) 8 SCC 286*, Hon'ble Supreme Court, in a matter arising out of conviction, permitted the compounding of offence under section 494 IPC.

t). In *Shankar Yadav v. State of Chhattisgarh, Cr.A 982 of 2017 Law Finder Doc Id # 877762*, Hon'ble Supreme Court while permitting post-conviction compromise, by holding the offence to fall under section 324 IPC, held,

[8]. Having regard to the facts and circumstances of the

case, we see no reasons to refuse permission to the parties who have compromised the offences which were compoundable under the Code as it stood in 1998. If it is so, compounding can be permitted and the appellants-accused can be acquitted in view of Section 320 (8) of the Cr.P.C., which expressly enacts that where the composition of an offence under this section is recorded by the court, it shall have effect of an acquittal of the accused with whom the offence has been compounded. We order accordingly.

u). In *Sube Singh v. State of Haryana, 2013:PHHC:026805-DB [Para 17, 21], 2013 (4) RCR (Cri) 102*, a Division Bench of this Court holds,

[17]. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.

[21]. In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No. 2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would disharmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Criminal Procedure Code after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

9. In the present case, the conviction for offence under section 379A of Indian Penal Code, 1860 (IPC) is not compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC)/359 BNSS, 2023. However, in the facts and circumstances peculiar to this case, the prosecution *qua* the non-compoundable offences can be closed.

10. In *B.S. Joshi v. State of Haryana, 2003(4) SCC 675*, Hon'ble Supreme Court holds,

[14]. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Sections 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter-productive and would act against interests of women and against the object for which this provision was added.

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There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code.

[15]. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

11. In **Saloni Rupam Bhartiya v. Rupam Prahlad Bhartiya, 2015(4) R.C.R.(Criminal) 172**, a three Judge Bench of Hon'ble Supreme Court holds,

[4] ...It was submitted by learned counsel for the parties that in the light of the above subsequent developments especially the fact that the marriage between the parties itself stands dissolved by a decree passed by a competent court, nothing really remained between the parties to be addressed and that the conviction of the respondent-husband under Section 498A of the Indian Penal Code could be set aside. We see no reason to decline that prayer. In the circumstances, therefore, and in the light of the fact that the parties have successfully negotiated an amicable settlement sinking and resolving all their differences and disputes and finding a lasting solution on all the outstanding issues between themselves, we see no reason why the conviction recorded by the courts below and the sentence of imprisonment till the rising of the Court, which the respondent has already undergone should continue to blemish the respondent-husband. We accordingly set aside the judgment and order of conviction of the respondent under Section 498A of the Indian Penal Code.

12. In **Ramgopal v. The State of Madhya Pradesh, Cr.A 1489 of 2012**, decided on 29.09.2021, Hon'ble Supreme Court holds,

[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 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 those criminal proceedings involving non-heinous offences or where the offences are predominantly 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 postconviction, the High Court ought to exercise such discretion with 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 extraordinary 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.* [(2014) 6 SCC 466, 29], and *Laxmi Narayan* [(2019) 5 SCC 688, 15].

[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 between 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."

13. In *Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642*, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

14. In the light of the judicial precedents referred to above and considering the terms of the compromise, the position of the parties and the peculiar facts and circumstances of the present case, this Court is of the view that the compromise deed and its underlying objective warrant acceptance.

15. Admittedly, the appellant-convict, who was barely 23 years of age at the time of commission of the alleged offence, has already undergone more than seven months of the total sentence of five years, as on 15.05.2022. The appellant has effected a compromise with the complainant, and the complainant, in his statement, has categorically stated that the compromise has been entered into voluntarily and that he has no objection if the judgment(s)

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of conviction and order(s) of sentence are set aside.

16. Having regard to the entirety of the facts and circumstances of the case and the judicial precedents discussed above, this Court is of the opinion that the continuation of the proceedings *qua* the appellant-convict Lovepreet @ Kanas would serve no fruitful purpose. Accordingly, the judgment of conviction and order of sentence *qua* the appellant-convict Lovepreet @ Kanas are hereby set aside, and his bail bonds are discharged.

17. In view of the above, the judgment of conviction and the order of sentence passed by the learned Sessions Judge, Kurukshetra, as captioned above, are set aside *qua* the appellant, and the appellant-convict is acquitted. The bail bonds, if any furnished by the appellant-convict, stand discharged.

18. It is clarified that since Lovepreet @ Kanas was the only appellant in the present appeal, the acceptance of the present appeal shall have no bearing whatsoever on the other two convicts. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

March 13, 2026
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No