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

**CRA-S-1926-SB-2007 (O&M)
Date of Decision:06.04.2026**

Jai Ram and Anr.

...Appellants

Vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Vikas Kumar, Advocate
for the appellants.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

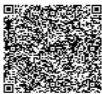
Mr. Ajay Kaushik, Advocate
for the respondent No.2.

N.S.Shekhawat J. (Oral)**CRM-4281-2026**

1. Application is allowed as prayed for, subject to just all exceptions.
2. Affidavit of the complainant/respondent No.2 is taken on record.

Main case

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 14.09.2007 and order of sentence dated 15.09.2007, passed by the Court of Additional Sessions Judge, Faridabad, whereby, the appellants were ordered to be convicted for the offence punishable under Section 326 of IPC read with Section 34 of IPC and were sentenced as under:-



Under Section 326 IPC	R.I for a period of five years and to pay a fine of Rs.50,000/- each, in default of payment of fine, to further undergo SI for a period of one year.
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2. Learned counsel for the appellants contend that during the pendency of the present appeal before this Court, the better sense is prevailed on both the sides and they have entered into a compromise with each other. He further submits that even otherwise, the parties are related to each other and are residents of same village. He also referred to the affidavit, which was duly sworn by respondent No.2 in the present case, wherein, he had admitted the factum of compromise and submitted that he had no objection in case, the present appeal is allowed by this Court and the appellants are acquitted of the charge by this Court.

3. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully.

4. The Hon’ble Supreme Court in the matter of “Ramgopal and Anr. Vs. State of Madhya Pradesh”, reported as 2021 (4) (RCR) (Crl) Page 322 has observed that even inherent powers can be exercised, even after conviction of the accused by the Courts and the relevant extract of the said judgment has been reproduced below:-

“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate



that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

- (i) Nature and effect of the offence on the conscious of the society;*
- (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.*

20. Having appraised the afore-stated para-meters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that-

Firstly, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature;

Secondly, the nature of injuries incurred, for which the Appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest;

Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been concluded or their appeal(s) against conviction stand dismissed;

Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have burned their differences and wish to accord a quietus to their dispute(s);

Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

Sixthly, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill- will and have no vengeance against each other, and conclusion:

Seventhly, the cause of administration of criminal justice system



would remain un-effected on acceptarice of the amicable settlement between the parties and/or resultant acquittal of the Appellants, more so looking at their present age.

Conclusion:

Criminal Appeal No. 1489 of 2012

21. Consequently, and for the reasons stated above, read with the settlement dated 13th September 2006, we find it appropriate to invoke our powers under Article 142 of the Constitution and quash the criminal proceedings in the aforesaid case. As a sequel thereto, all offences emanating out of the FIR leading to Criminal Appeal No. 1489 of 2012 stand annulled, and the judgment and orders passed by the trial court, appellate court and the High Court are set aside. Resultantly, the Appellants shall be deemed to have been acquitted of the charged offences for all. intents and purposes."

5. Still further, this Court has held in the matter of "**Jagjit Singh Vs. State of Punjab and Anr., decided on 18.09.2024** as under:-

"10. From the scheme of the Code of Criminal Procedure, it is apparent that the offences, which are non-compoundable under Section 320 Cr.P.C cannot be compounded by a Criminal Court, However, Section 320 Cr.P.C is not an embargo against invoking inherent powers of this Court under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of the case and for justifiable reasons can exercise its inherent powers under Section 482 Cr.P.C. to prevent abuse of the process of any court, or to secure the end of justice. Thus, the High Court can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. In so far as power of quashing under Section 482 Cr.P.C. is concerned, it is guided by the material on record as to whether the ends of justice would justify such exercise of power, even though the ultimate consequence may be acquittal of the accused. The Division Bench of this Court in "**Sube Singh and another Vs.**



State of Haryana and another, CRM-M-38140-2011, decided on 09.04.2013” has observed that 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 Cr.P.C., after conviction of an accused by the trial court and during the pendency of appeal against such conviction, the High Court could invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

11.In the present case also, the parties have amicably resolved all their disputes and they appeared before the Illqua Magistrate/Area Magistrate and got their statements recorded. Even, the Trial Court has recorded the satisfaction that the compromise between the parties is genuine and voluntary”.

6. In the present case also, it is apparent that the appellants and the complainant side have entered into a compromise with each other. Even otherwise, it was a private dispute between the parties and the parties are related to each other. Further, they are residents of the same village and admittedly, both the sides are living peacefully since long.

7. In view of the above discussion, this court is of the considered view that the impugned judgment of conviction dated 14.09.2007 and order of sentence dated 15.09.2007, passed by the Court of Additional Sessions Judge, Faridabad is ordered to be set aside by this Court.

8. As a consequence, the present appeal is allowed and the appellants are ordered to be acquitted of the charge.

9. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

06.04.2026
hitesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No