



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

**CRA-S-106-SB-2005 (O&M)
DECIDED ON: 15.05.2026**

PHOOL CHAND @ PHULLA

.....APPELLANT

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. B.D. Sharma, Advocate and
Mr. Aneesh Gautam, Advocate
for the appellant.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana.

Mr. Ashok Kumar, Advocate
for the complainant.

MANDEEP PANNU, J (ORAL)

1. The trial of the appellant in case FIR No.52, dated 06.07.2003, under Sections 307, 324, 506 IPC, at Police Station Shehzadpur, District Ambala, has culminated into his conviction under the aforesaid heads and he has been substantively sentenced. The appellant has challenged the order of conviction dated 19.11.2004 and order of sentence dated 20.11.2004 by way of present appeal.

2. Learned counsel for the appellant submits that the appellant was convicted vide judgment of conviction dated 19.11.2004 and order of sentence dated 20.11.2004 and sentenced to undergo rigorous imprisonment for a period of 07 years, to pay fine of Rs.5,00/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months, for

the offence punishable under Section 307 IPC. It has been further submitted that during the pendency of the present appeal, the parties have entered into a compromise vide compromise deed dated 29.04.2025 (Annexure A-1). In support of his contentions, learned counsel for the appellant relies upon the judgment delivered by a Division Bench of this Court in “***Sube Singh and Another vs. State of Haryana and Another***”, 2013(4) RCR (Criminal) 102.

3. Learned counsel for the complainant admits the factum of compromise arrived at between the parties.

4. Vide order dated 23.04.2026 passed by this Court, the trial Court/Illaq Magistrate concerned had been directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

5. In compliance of the aforesaid order, the learned Chief Judicial Magistrate, Ambala, has submitted a report, vide letter dated 12.05.2026, which indicates that the parties had appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence and out of free will of the parties.

6. The Hon'ble Apex Court in “***Gian Singh Vs. State of Punjab & Ors.***” 2012(10) SCC 303 has held as under:-

“48. The question is with regard to the inherent power of the High Court in quashing the criminal proceedings against an offender who has settled his dispute with the victim of the crime but the crime in which he is allegedly involved is not compoundable Under Section 320 of the Code.

49. *Section 482 of the Code, as its very language suggests, saves the inherent power of the High Court which it has by virtue of it being a superior court to prevent abuse of the process of any court or otherwise to secure the ends of justice. It begins with the words, 'nothing in this Code' which means that the provision is an overriding provision. These words leave no manner of doubt that none of the provisions of the Code limits or restricts the inherent power. The guideline for exercise of such power is provided in Section 482 itself i.e., to prevent abuse of the process of any court or otherwise to secure the ends of justice. As has been repeatedly stated that Section 482 confers no new powers on High Court; it merely safeguards existing inherent powers possessed by High Court necessary to prevent abuse of the process of any Court or to secure the ends of justice. It is equally well settled that the power is not to be resorted to if there is specific provision in the Code for the redress of the grievance of an aggrieved party. It should be exercised very sparingly and it should not be exercised as against the express bar of law engrafted in any other provision of the Code.*

50. *In different situations, the inherent power may be exercised in different ways to achieve its ultimate objective. Formation of opinion by the High Court before it exercises inherent power Under Section 482 on either of the twin objectives, (i) to prevent abuse of the process of any court or (ii) to secure the ends of justice, is a sine qua non.*

51. *In the very nature of its constitution, it is the judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process. This is founded on the legal maxim quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest. The full import of which is whenever anything is authorised, and especially if, as a matter of duty, required to be done by law, it is found impossible to do*

that thing unless something else not authorised in express terms be also done, may also be done, then that something else will be supplied by necessary intendment. Ex debito justitiae is inbuilt in such exercise; the whole idea is to do real, complete and substantial justice for which it exists. The power possessed by the High Court Under Section 482 of the Code is of wide amplitude but requires exercise with great caution and circumspection.”

7. The Larger Bench of this Court in the case of “***Kulwinder Singh & Ors. Vs. State of Punjab & Anr.***” 2007(3) RCR (Criminal) 1052, while discussing the scope of quashing of prosecution on the basis of compromise, by this Court in exercise of powers under Section 482 Cr.P.C., even in non-compoundable offence(s) has held that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482 Cr.P.C.. 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.

8. In the case of “***Sube Singh & Anr. vs. State of Haryana & Anr.***” 2013(4) RCR (Criminal) 102, a Division Bench of this Court while dealing with the question, as to whether the criminal proceedings can be quashed in exercise of powers under Section 482 Cr.P.C. even after the accused was found guilty and convicted by the trial court and the matter is sub-judice before the appellate Court, answered the reference in the affirmative. Relying upon the decisions rendered in ***Kulwinder Singh’s case*** and ***Gian Singh’s case (supra)***, the Court observed as under:

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Cr.P.C. with a view of 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 Cr.P.C. 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.”

It has further been held that:

“21 ... 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 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. Adverting to the facts of present case, the parties have mutually settled their dispute and have buried the hatchet.

10. Keeping in view the law laid down above, in my opinion, it is a fit case to exercise the powers under Section 482 Cr.P.C.

11. Accordingly, the present petition is allowed. FIR No.52, dated 06.07.2003, under Sections 307, 324, 506 IPC, at Police Station Shehzadpur, District Ambala along with all the consequential proceedings arising therefrom, are quashed qua the appellant, on the basis of compromise dated 29.04.2025 (Annexure A-1), subject to the appellant depositing the costs of Rs.10,000/- with the Poor Patients' Welfare Fund, Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh. As a consequence thereof, the judgment of conviction dated 19.11.2004 and order of sentence dated 20.11.2004, passed by learned Addl. Sessions Judge, Fast Track Court

Ambala, are also set aside and the appellant is acquitted of the charges framed against him.

12. Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

13. All pending miscellaneous application(s), if any, stands disposed of.

15.05.2026
Poonam Negi

(MANDEEP PANNU)
JUDGE

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