

2026:PHHC:055143



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

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CRA S-1447-SB of 2006

Date of Decision: 08.04.2026

Juhru and another

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. K.P.S. Virk, Amicus Curiae
for the appellants.

Mr. Majlish Khan, Advocate and
Mr. Vikrant Kaundal, Advocate
for the appellants.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. G.S. Bhatia, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction dated 17.07.2026 and order of sentence dated 18.07.2006 passed by the Court of Sessions Judge, Gurugram, whereby, the appellants were held guilty for the offence punishable under Sections 326 read with Section 34 IPC and were sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.2,000/-. In default of payment of fine, the appellants were further ordered to undergo simple imprisonment for a period of one month.

2. During the pendency of the present appeal before this Court, the parties entered into a compromise and a compromise deed

dated 17.07.2018 was placed on record before this Court. Thereafter, on 08.08.2018, Kasam son of Ayub and Mamen wife of Zuber, both the injured in the present case, appeared before this Court and made their statements on solemn affirmation. They stated on oath that the appellants are also residents of same village and they were closely related to each other. Even, the dispute between them and the appellants had been amicably settled and no ill-will and grudge was left in the minds of either of them on one hand and the appellants/convicts on the other hand. Moreover, they had entered into a compromise and they had no grievance in case both the appellants/convicts are granted any benefit by this Court. Even during the course of arguments today, learned counsel for the appellants has submitted that the parties are living peacefully in the village since the last several years and they may be allowed to compound the offences in the present case.

3. On the other hand, learned counsel appearing on behalf of the complainant/injured, also submits that the parties had entered into a compromise and he has no objection in case appellants are ordered to be acquitted by this Court.

4. I have heard learned counsel for the parties and perused the record carefully.

5. The Hon'ble Supreme Court has held in the matter of "Ramgopal and Anr. Vs. State of Madhya Pradesh" reported as 2021 (4) RCR (Crl) Page 322 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."

6. Even, this Court has held in the matter of *Jagjit Singh v. State of Punjab and another*, **CRA-S-1771-SB-2014 (O&M)** and connected matters *Amritpal Singh v. State of Punjab and another*, **CRA-S-2024-SB-2014 (O&M)** and *Gursewak Singh v. State of Punjab and another*, **CRA-S-2292-SB-2014 (O&M)**, decided on 18.09.2024 as follows:-

"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.”

7. In the present case also, the parties have amicably resolved all their disputes and even the injured appeared before this Court and got their statements recorded on oath. Thus, the compromise between the parties is genuine and voluntarily. Consequently, this Court is of the considered view that the appellants can be allowed to compound the offences in the present case.

8. In view of the above discussion, this Court is of the considered view that the impugned judgement of conviction dated 17.07.2026 and order of sentence dated 18.07.2006 passed by the Court of Sessions Judge, Gurugram, are liable to be set aside.
9. This Court records its appreciation for Mr. K.P.S. Virk, Amicus Curiae, who has rendered able assistance to the Court on behalf of the appellants. His fee is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee.
10. As a consequence, the present appeal is allowed and the appellants are ordered to be acquitted of the charge.
11. Pending application(s), if any, stand(s), disposed of, accordingly.

08.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No