



218

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

CRA-S-1726-SB-2006 (O&M)

Date of Decision:23.04.2026

Faquir Chand @ Faquiria and Others

...Appellants

Vs.

State of Haryana

...Respondent

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

Present: Mr. Shivek Thakur, Advocate for
Mr. P.S Sullar, Advocate
for the appellants No.2 and 3.

Mr. Rajinder Kumar, Sr. DAG, Haryana.

Mr. Harkesh Kumar, Advocate for
Mr. H.S Sullar, Advocate
for the complainant.

N.S.Shekhawat J.

1. The appellants have challenged the impugned judgment of conviction dated 08.08.2006 and order of sentence dated 11.08.2006 passed by the Court of Additional Sessions Judge, Ambala, whereby the appellants were convicted for the commission of offences punishable under Sections 323,324 r/w Section 34 of IPC and were sentenced accordingly. As such, Faquir Chand, Jaswinder Singh @ Bhinder and Ramesh alias Mahesh were sentenced to undergo rigorous imprisonment for two years for the commission of offence punishable under section 324 read with section 34 IPC and a fine of Rs. 500/- each is imposed on them. In default of payment of fine, the appellants shall further undergo imprisonment for three months. The appellants namely Faquir Chand, Jaswinder Singh @ Binder, and Ramesh alias Mahesh are further



sentenced to undergo rigorous imprisonment for six months for the commission of offence punishable under section 323 read with Section 34 of IPC. A fine of Rs.300/- is imposed on each of these appellants and in default of payment of fine or any part thereof the convicts shall further undergo imprisonment of two months. All the sentences shall run concurrently.

2. During the pendency of the present appeal, Faquir Chand @ Faquiria, appellant No.1 had expired and the appeal qua him stands abated.

3. Learned counsel appearing on behalf of the appellants No.2 and 3 submits that during the pendency of the present appeal, the appellants as well as the complainant side have entered into a compromise deed and the parties may be allowed to compound the offences in the present case.

4. On the other hand learned counsel appearing on behalf of respondent No.2 submits that he has no objection in case, appellants No.2 and 3 are ordered to be acquitted by this Court on the basis of compromise.

5. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

6. 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."

7. 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”.

8. In the present case, both the appellants were ordered to be convicted for commission of the offences punishable under Sections 323,324 r/w Section 34 of IPC. Even, after their conviction, the law is well settled that even during the pendency of the appeal before this Court, the parties can be allowed to compromise the criminal cases, where, the accused had committed some minor offences. Even, in the present case, the appellants have been convicted for causing simple injuries to the opposite side and it was an individual dispute between the parties. Even, no loss has been caused either to the Government or to any other individual in the present case.



9. Thus, taking a pragmatic and compassionate view, the parties are allowed to compound the offences in the present case and as a consequence, the appellants are acquitted by this Court.

10. In view of the above discussion, the appeal is allowed and the impugned judgment of conviction dated 08.08.2006 and order of sentence dated 11.08.2006 passed by the Court of Additional Sessions Judge, Ambala is ordered to be set aside by this Court.

11. Ordered accordingly.

12. Case property, if any, be dealt with, as per rules.

14. The Trial Court record be sent back.

15. Pending application(s), if any, stand(s), disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

23.04.2026
hitesh

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