

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:083858



107

CRR-1160-2026 (O&M)

Date of Decision: 26.05.2026.

Naveen and others

...Petitioners.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. P.S Gill, Advocate
for the petitioner.

Mr. N.P. Chandel, AAG, Haryana.

Mr. Harmilonjot, Advocate for
Ms. Shivani Jaglan, Advocate
for respondents No.2 to 5.

SUKHVINDER KAUR, J.

1. By way of this revision petition, the petitioner has challenged the judgment dated 23.03.2026 passed by learned Additional Sessions Judge, Bhiwani, vide which the judgment of conviction dated 19.08.2019 and order of sentence dated 20.08.2019 passed by learned Judicial Magistrate Ist Class, Bhiwani, has been upheld, whereby the petitioners were held guilty for offence under Sections 147, 148, 323, 324, 325, 452, 506 and 120-B IPC and were convicted. It is relevant to mention here that appeal *qua* co-accused Vishvnath was allowed by the appellate Court.

2. In CRR-1160-2026, CRM-18909-2026 for compounding of offence under Sections 147, 148, 323, 324, 325, 452, 506 and 120-B IPC on the basis of settlement between the parties was filed.

3. On 11.05.2026, counsel for the parties submitted that the matter had been compromised between the parties and accordingly, this Court directed both the parties to appear before the trial Court/Illaq Magistrate and get their statements recorded regarding the compromise so effected and also asked the aforesaid Court to submit its report.

4. The report of the concerned Court has been received, as per which, both the parties have settled their dispute as per own free-will and the compromise is stated to be genuine and voluntary and the complainant and the injured have no objection in case the petitioners-convicts are acquitted of the charges levelled against them and judgment of conviction and order of sentence are set aside.

5. Learned Counsel for respondents No.2 to 5 complainant/injured, stated, on instructions, that they had voluntarily compromised the matter with petitioners, and they would have no objection if on the basis of said compromise, the revision petition is allowed *qua* the petitioners.

6. In the present case, there were seven accused before the trial Court and out of them six accused were convicted by the trial Court, while accused Ramphal was acquitted. Accused Vishvnath was acquitted by the Appellate Court and the three convicts namely Naveen, Parveen and Bhagirath have approached this Court by way of filing this revision petition. In this case besides, complainant Shamsher Singh, there are three more injured persons, namely, Geeta, Nirmala and Ganga Ram, who have compromised the matter with the petitioners-convicts. The conviction in the

present case is based on the testimonies of the complainant/victims who have already effected a compromise with the petitioners-convicts. A pragmatic approach is that whenever a matter has been compromised between the parties, Court should close proceedings qua those convicts with whom the matter has been settled and can be legally quashed.

7. In **Ramji Lal v. State of Haryana, (1983) 1 SCC 368**, Hon'ble Supreme Court, in a matter arising against the conviction under section 325 IPC, held,

[5]. All the offences for which the appellants are convicted are compoundable and the compromise can be entered into with the permission of the court. Looking to the chastened attitude of the accused and the commendable attitude of the injured complainant, in order to restore harmony in the society, we accept the compromise. We grant permission to enter into the compromise and accept the same. We accordingly allow the appeal and set aside the conviction and sentence imposed on both the appellants. If they are on bail, their bail-bonds will be cancelled. If they are in jail, they will be released from the jail forthwith.

c). In **Mohd. Rafi v. State of U.P., 1998(2) R.C.R.(Criminal) 455**, the convict had gone to Hon'ble Supreme Court against his conviction by the trial Court under Sections 323 and 325 of IPC, which had been upheld by Sessions and High Court. After that, the convict and the victim entered into an out-of-court compromise. Hon'ble Supreme Court analyzed the parties' affidavits filed in support of the compromise and observed that parties had willingly and voluntarily settled the matter. To maintain good relations, Hon'ble Supreme Court granted permission to them to compound the said offences and ordered their acquittal.

8. 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 as under:-

[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.

9. 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 held as under:-

[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.

10. In the present case, the offences under Sections 324, 452, 147, 148, 149, 120-B IPC are not compoundable under Section 320 Cr.P.C/359 BNSS. However, in the facts and circumstances peculiar to this case, the prosecution *qua* the non-compoundable offences can be closed by quashing the FIR and consequent proceedings. After the compromise the parties have been staying peacefully in the village. It is in the interest of both the sides to bury the hatchet and lead a peaceful life.

11. In **Ramgopal v. The State of Madhya Pradesh, Cr.A 1489 of 2012**, decided on 29.09.2021, Hon'ble Supreme Court held as following:-

“[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 post-conviction, 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."

12. In *Shakuntala Sawhney vs. 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.

13. Considering the entire facts and circumstances of the matter, the compromise entered into between the parties, and in the light of the above-mentioned judicial precedents, continuing of these proceedings will not serve any fruitful purpose whatsoever. Thus, in view of the compromise, this is a fit case to disrupt the prosecution.

14. This Court has inherent powers under Section 442 BNSS to interfere in this kind of matter.

15. Given above, considering the compromise, and in the facts and circumstances peculiar to this case the above captioned judgment(s) of conviction and sentence as well as in appeal, charges, and FIR, are hereby

set aside *qua* the petitioner(s) only. However, the fine/compensation amount, if paid to the complainant/State, is forfeited to the State/complainant as costs. The bail bonds of the petitioners are accordingly discharged.

16. Pending CRM(s), if any, are also disposed of accordingly.

26.05.2026.

Komal

(SUKHVINDER KAUR)
JUDGE

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