

CRA-S-3397-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3397-2019 (O&M)

Kuldeep & others ...Petitioner(s).

Versus

State of Haryana ...Respondent(s).

Judgment reserved on	Judgment pronounced on	Operative Part Pronounced or full	Uploaded on
11.03.2026	07.04.2026	Fully pronounced	07.04.2026

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Sumit Ruhel, Advocate for the appellant(s).

Mr. Shiva Khurmi, DAG, Haryana.

Mr. Nilesh Kant Goyal, Advocate for
Mr. A.S. Virk, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
137	19.4.2016	Madlauda, District Panipat	323, 324, 307, 506 read with Section 34 IPC

Case No.	CIS No.SC-21 of 2017. CNR No.HRPP01-000246-2017. Misc.Sessions Case No.RBT-48 of 2019. Date of Decision: 2.11.2019.
Names of appellant(s)	1. Kuldeep; 2.Virender @ Billu; 3. Narender; 4. Geeta.
Conviction under sections	323/324/506 read with Section 34 IPC
Sentence imposed	Rigorous Imprisonment for a maximum period of one year.

1. This appellant-convicts, had come up before this Court by filing the present appeal seeking setting aside of their conviction and order of sentence passed against them.

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2. Vide order dated 26.11.2019, the present appeal was admitted and the order dated 06.11.2019 passed by Additional Sessions Judge, Panipat, granting interim suspension of sentence of the appellant(s), was ordered to remain operative during the pendency of the appeal.
3. During the pendency of the present appeal, the appellant-convicts filed application i.e. CRM-43934-2024 for setting aside of the impugned judgment of conviction and order of sentence, as mentioned above, on the ground that the matter has been amicably settled between the parties vide compromise deed dated 15.05.2023 (Annexure A-1) and prayed for compounding of offences, as both the parties residents of same village and belong to same caste and brotherhood. On 12.01.2026, the complainant appeared through her counsel and stated that she has compromised the matter with the appellant-convicts. Accordingly, this Court vide order dated 12.01.2026, directed the parties to appear before the concerned Trial Court/Illaq Magistrate for getting their statements recorded with regard to the compromise so arrived and the trial Court/Illaq Magistrate was directed to ascertain the genuineness and voluntariness of the compromise so arrived and submit its report in the given proforma. The relevant extract of the report of the concerned Court reads as follows:

Name of the reporting Court	Court of Judicial Magistrate Ist Class/Illaq Magistrate
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FIR No.	Dated	Police Station	Sections
137	19.4.2016	Madlauda, District Panipat	323, 324, 307, 506 read with Section 34 IPC.

Criminal Case no. before trial Court	SC-21 of 2017
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	As per the copy of judgment filed and confirmed:- Name of complainant: Sanoj. Name of injured Suman.
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	03.02.2026
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Kuldeep, Virender, Narender and Geeta
7.	Dates on which the statement(s) of the accused persons(s) recorded	03.02.2026.

8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Sections of statutes invoked in the matter	323, 324, 307 and 506 read with Section 34 IPC
10.	Whether the court is satisfied with the genuineness of the compromise?	Yes

4. Counsel for the complainant has submitted that the parties had voluntarily entered into a compromise and that the complainant had no objection if the judgment(s) of conviction, order(s) of sentence and all consequential proceedings arising therefrom *qua* the appellant-convicts, are set aside.

5. There are four convicts in the present case and they have filed the present appeal, challenging the judgment of conviction and order of sentence. During the pendency of the appeal, the appellants entered into an out-of-Court settlement with the complainant, who has unequivocally stated that she has no objection to the setting aside of the conviction and sentence *qua* the appellants.

6. This Court is of the considered opinion that if the pendency of the present criminal appeal *qua* the appellant-convicts, whose substantive sentence was already suspended by trial Court itself, which was continued by this Court during the pendency of this appeal, is allowed to continue despite the compromise, the same would unnecessarily impinge upon his liberty guaranteed under Article 21 of the Constitution of India. Even though the sentence of the appellants has suspended, the pendency of criminal proceedings continues to impose restrictions upon their liberty by way of subsisting bail bonds and the stigma of conviction. A pragmatic approach would, therefore, require that where a lawful compromise has been effected between the complainant and one of the convicts, the Court should not unnecessarily prolong the proceedings awaiting final adjudication, but should instead consider closing the proceedings *qua* the concerned convict, provided such compromise can legally be accepted.

7. In the present case, the offence under section 324 of Indian Penal Code, 1860 (IPC) is not compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC). 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, taking into account the fact that both the parties belong to the same village and they must be living there for generations and might continue to live, who knows for how long. In the closely-knit village community, when the parties have buried their hatchets, the continuation of criminal proceedings will not advance the reformatory purposes of jurisprudence just for the sake of deterrence, and this Court should step forward by closing

this continuing cause of bitterness.

8. It would be relevant to refer to the judicial precedents in which the convictions were set aside based on the compromise.:

a). In *Manoj & Anr. v. State of Madhya Pradesh*, Cr. A No. 1530 of 2008, Hon'ble Supreme Court, based on compromise, accepted the compounding of the offence under section 324 IPC and acquitted the appellants.

b). In *Md. Abdul Sufan Laskar v. State of Assam*, (2008) 9 SCC 333, based on a compromise, Hon'ble Supreme Court set aside the conviction and sentence under section 324 IPC. Hon'ble Supreme Court took similar views in *Mathura Singh v. State of U.P.*, 2009(13) SCC 420 and in *Gampa Govindu v. State of Andhra Pradesh thr. Public Prosecutor*, 2008(sup) Cri. L.R. 440: Law Finder Doc Id # 521064.

c). In *Gampa Govindu v. State of Andhra Pradesh*, Law Finder Doc Id # 521064; 2008(1) OriLR839, Hon'ble Supreme Court holds,

[3]. The Trial Court convicted the sole appellant under Section 326 of the Indian Penal Code [hereinafter referred to as "I.P.C."] and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rupees one thousand; in default, to undergo further simple imprisonment for a period of one month. On appeal being preferred, the Sessions Court confirmed the conviction and sentence. When the matter was taken to the High Court in revision, the conviction and sentence under Section 326 I.P.C. have been set aside and the appellant has been convicted under Section 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of one year. Before this Court, a joint petition of compromise has been filed wherein it has been stated that the parties have settled their disputes; as such, they be permitted to compound the offence. In our view, the prayer is just and must be granted. Accordingly, the criminal appeal is allowed and the conviction and sentence awarded against the appellant are set aside, in view of the compounding.

d). In *Hirabhai Jhaverbhai v. State of Gujarat*, (2010) 6 SCC 688, permitting the parties to compromise the conviction under section 324 IPC, Hon'ble Supreme Court holds, "The injured complainant and two other injured are permitted to compound the offence punishable under Section 324 Indian Penal Code. In view of sub-section (8) of Section 320 of the Code of Criminal Procedure, the composition of offence under section 324 Indian Penal Code shall have the effect of an acquittal of the appellant with whom the offence has been compounded."

e). In *Surat Singh v. State of Uttaranchal* (Now Uttarakhand), 2012(12) SCC 772, Hon'ble Supreme Court, based on compromise, permitted the parties to compound their offences under section 354 and 506 IPC.

f). in *Jeetu Vs. State of Chhattisgarh*, 2013 11 SCC 489 it is the duty of the appellate Court to arrive at its own independent conclusion after examining the material on record. This exercise has however to be conducted after considering the material on record. There is no power conferred by the Code either on the appellate Court/revisonal Court to acquit an accused convicted for a commission of a non-compoundable offence only on the ground that compromise has been entered into between the convict and the informant/complainant.

g). In *Padmalayan v. Sarasan*, (2014) 13 SCC 798, Hon'ble Supreme Court permitted post-conviction compromise for offence under section 324 IPC.

h). In *Shankar Yadav v. State of Chhattisgarh*, Cr.A 982 of 2017 Law Finder Doc Id # 8378562, Hon'ble Supreme Court while permitting post-conviction compromise, by holding the offence to fall under section 324 IPC, held,

[8]. Having regard to the facts and circumstances of the case, we see no reasons to refuse permission to the parties who have compromised the offences which were compoundable under the Code as it stood in 1998. If it is so, compounding can be permitted and the appellants-accused can be acquitted in view of Section 320 (8) of the Cr.P.C., which expressly enacts that where the composition of an offence under this section is recorded by the court, it shall have effect of an acquittal of the accused with whom the offence has been compounded. We order accordingly.

i). 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 holds,

[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.

9. In **Ramgopal v. The State of Madhya Pradesh, Cr.A 133979 of 2012**, decided on 29.09.2021, Hon'ble Supreme Court holds,

[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 postconviction, 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."

10. In *Shakuntala Sawhney v 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.

11. In the light of the judicial precedents referred to hereinabove, and upon due consideration of the terms of the compromise, the status and *inter se* position of the parties, as well as the peculiar facts and circumstances of the present case, this Court is of the considered view that the compromise deed and its underlying objective merit acceptance.

12. It is an admitted position that all the appellant-convicts belong to the same village and community, and pursuant to the compromise, they are now residing together harmoniously, devoid of any ill-will or acrimony. The maximum sentence awarded in the present case is one year of rigorous imprisonment. Furthermore, the complainant/injured persons, in their respective statements, have unequivocally affirmed that the compromise has been entered into voluntarily and without any coercion, and that they have no objection if the judgments of conviction and orders of sentence are set aside.

13. Having regard to the totality of the facts and circumstances of the case, and in view of the judicial precedents discussed hereinabove, this Court is of the considered opinion that continuation of the proceedings *qua* the appellant-convicts would serve no useful purpose. Consequently, the judgment of conviction and the order of sentence are hereby

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set aside, and the bail bonds furnished by the appellant-convicts stand discharged.

14. In view of the above, the judgment of conviction and the order of sentence passed by the learned Sessions Judge, Panipat, as captioned above, are set aside and the appellant-convicts are acquitted. The bail bonds, if any furnished by the appellant-convicts, stand discharged. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

April 07, 2026
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No