



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

758

**Date of decision: 07.05.2025**

**1. CRA-S-2512-SB-2007 (O&M)**

Karamjit Singh @ Kamma and others

....Appellants

Versus

State of Punjab

....Respondent

**2. CRA-S-2544-SB-2007 (O&M)**

Gurmukh Singh

....Appellant

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. A.D.S. Sukhija, Advocate  
and Mr. Sukhdeep Singh, Advocate  
for the appellants in appeal No.CRA-S-2512-SB-2007.

Mr. Sandeep Arora, Advocate in CRA-S-2544-SB-2007.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Ravi Malhotra, Advocate  
for respondent No.2.

**HARPREET SINGH BRAR J. (Oral)**

1. Vide this common order, I intend to dispose of CRA-S-2512-SB-2007 and CRA-S-2544-SB-2007, as common questions of law and facts are involved for adjudication.

2. Prayer in both these appeals is for setting-aside the judgment of conviction and order of sentence dated 06.12.2007, passed by learned Additional Sessions Judge, Jalandhar in FIR No.56 dated



06.04.2004 registered under Sections 307, 308, 326, 325, 323, 450, 148, 149 IPC at Police Station Adampur, vide which the appellants therein were convicted under Sections 326, 325 read with Section 34 IPC and Sections 323 and 450 IPC sentenced as follows:-

Sr. No.	Name of Convict	Under Sections	Sentence
1.	Balwinder Singh	326 IPC	To undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs.1,500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months.
2.	Karamjit Singh, Ramandeep Singh and Gurmukh Singh	326 IPC read with Section 34 IPC	To undergo rigorous imprisonment for a period of 03 years each and to pay a fine of Rs.1,500/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months each.
3.	Karamjit Singh	325 IPC	To undergo rigorous imprisonment for a period of 02 years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months.
4.	Balwinder Singh, Ramandeep Singh and Gurmukh Singh	325 IPC read with Section 34 IPC	To undergo rigorous imprisonment for a period of 02 years each and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months each.
5.	Ramandeep Singh	325 IPC	To undergo rigorous



			imprisonment for a period of 02 years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months.
6.	Balwinder Singh, Karamjit Singh and Gurmukh Singh	325 IPC read with Section 34 IPC	To undergo rigorous imprisonment for a period of 02 years each and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months each.
7.	Gurmukh Singh	325 IPC	To undergo rigorous imprisonment for a period of 02 years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months.
8.	Balwinder Singh, Karamjit Singh and Ramandeep Singh	325 IPC read with Section 34 IPC	To undergo rigorous imprisonment for a period of 02 years each and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 06 months each.
9.	Balwinder Singh, Karamjit Singh, Gurmukh Singh and Ramandeep Singh	323 IPC each	To undergo rigorous imprisonment for a period of 06 months each and to pay a fine of Rs.500/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 01 month each.
10.	Balwinder Singh, Karamjit Singh, Gurmukh Singh	450 IPC each	To undergo rigorous imprisonment for a period of 02 years each and to



	and Ramandeep Singh		pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of 01 month each.
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It was ordered that all the sentences shall run concurrently.

3. On 07.04.2025, the following order was passed by this Court:-

***CRM-13816-2025***

*This is an application filed under Section 528 BNSS, 2023 for listing the main case for an actual date of hearing.*

*For the reasons mentioned in the application, the same is allowed. Main case is ordered to be taken on board today itself.*

***MAIN CASE***

*On 25.03.2025, the following order was passed in CRM-11593- 2025 :*

*“This application has been filed under Section 528 of BNSS seeking quashing of FIR No.56 dated 06.04.2024 under Sections 307, 325, 323, 452, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Adampur, District Jalandhar and all the consequential proceedings emanating therefrom, including the judgment of conviction and the order of sentence dated 06.12.2007, on the basis of compromise/affidavit dated 26.07.2022 (Annexure A-1).*

*Learned counsel for the applicants-appellants submits that the complainant was only the informant and real victim is Jaspal Singh @ Soni, who suffered*



*injuries. Now with the intervention of respectables of the society, a compromise by way of affidavit (Annexure A-1) has been effected between the parties.*

*To be heard along with the main case.”*

*In view of the above, adjourned to 07.05.2025.*

*In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.*

*A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”*

4. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise effected between the parties is genuine and arrived at without any pressure or coercion from anyone.

5. Learned counsel for the appellants, *inter alia*, contends that a compromise has already been affected between the parties with the intervention of the respectables of the society. The statements made by the parties with regard to compromise, have been duly recorded by the learned Court below. He further contends that the complainant was only the informant, who had already passed away and the real victim Jaspal Singh @ Soni (respondent No.2), is the son of the complainant, who



suffered the injuries. The respondent No.2 has appeared before the learned Court below and made a statement in terms of the compromise arrived at between the parties. As such, learned counsel for the appellants prays that the judgment of conviction and order of sentence dated 06.12.2007 be set-aside qua the appellants. Reliance in this regard is placed on the judgment rendered by the Hon'ble Supreme Court in ***Ramgopal and another vs. State of Madhya Pradesh, 2021 (4) R.C.R. (Criminal) 322.***

4. Learned State counsel assisted by learned counsel for respondent No.2, affirms the factum of compromise arrived at between the parties.

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

6. A two Judges Bench of Hon'ble Supreme Court in ***Ramgopal's*** case (*supra*), speaking through Justice Surya Kant, has held that non-compoundable criminal cases of predominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction. The relevant parts of the said judgment are reproduced as under:-

*“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 buried 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*

*Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age.”*

7. It has been categorically held by the Hon’ble Supreme Court in ***Ramgopal’s case (supra)***, that there is no embargo in quashing the FIR even after a judgment of conviction has been passed. Therefore, in view of the amicable settlement arrived at between the parties as well as the ratio of law laid down in ***Ramgopal’s case (supra)***, this Court is inclined to invoke the inherent powers under Section 528 of BNSS, 2023 (erstwhile Section 482 Cr.P.C.).

8. Accordingly, both the present appeals are allowed and the judgment of conviction and order of sentence dated 06.12.2007, passed by learned Additional Sessions Judge, Jalandhar, are hereby set-aside qua the appellants.

9. The appellants are acquitted of the charges framed against them and their bail/surety bonds also stand discharged.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

11. A photocopy of this order be placed on the file of other connected case.

**(HARPREET SINGH BRAR)**

**07.05.2025**

*yakub*

Whether speaking/reasoned:

Whether reportable:

**JUDGE**

Yes/No

Yes/No