



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138+315

CRA-S-1813-2025 (O&M)
Decided on : 05.08.2025

Vikash @ Vikas and others

. . . Applicant(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gopal Sharma, Advocate
for the appellant(s).

Mr. Satish Singla, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

CRM-30269-2025 IN CRM-22544-2025

I. This is an application filed u/s 528 of BNSS, 2023, for placing on record the affidavit dated 29.07.2025 of respondent No.2 and his Aadhar Card, as Annexures R-2/1 & R-2/2, respectively.

II. Allowed as prayed for. Affidavit dated 29.07.2025 of respondent No.2 and his Aadhar Card, filed along with application as Annexures R-2/1 & R-2/2, respectively, are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

III. CRM stands disposed of.

MAIN CASE

1. In the instant appeal filed by all the convicts/victims, who are related as father and sons, on 27.05.2025, following order was passed:-

"CRA-S-1813-2025

Heard.

Admitted.

CRM-22552-2025

I. *Present application has been filed under Section 528 of*

BNSs, 2023, praying for stay of recovery of fine, during the pendency of the appeal.

II. For the reasons enumerated in the application, same is allowed. The recovery of fine (except the amount of compensation, if any), shall remain stayed, during the pendency of appeal.

III. CM stands disposed of.

CRM-22553-2025

1. This is first application under Section 430 of BNSS, 2023 r/w Section 528 of BNSS, 2023, for suspension of remaining sentence of applicants-appellants, i.e., (i) Vikash @ Vikas, (ii) Rahul, and (iii) Dharambir, during the pendency of appeal. Vide judgment of conviction dated 19.05.2025 and order of sentence dated 21.05.2025, passed by the learned Sessions Judge, Bhiwani, applicants-appellants, were held guilty of the following offence and sentenced accordingly:-

<i>Under Section</i>	<i>Sentence</i>	<i>Fine (in Rs.)</i>	<i>In Default</i>
<i>379-B r/w 34 IPC</i>	<i>R.I. for 10 years (each)</i>	<i>25,000/- (each)</i>	<i>R.I. for 2 years (each)</i>
<i>341 r/w 34 IPC</i>	<i>S.I. for 01 month (each)</i>	<i>500/- (each)</i>	<i>07 days (each)</i>
<i>506 IPC</i>	<i>R.I. for 03 years (each)</i>	<i>5000/- (each)</i>	<i>06 months (each)</i>

The period of detention already undergone by the convicts was ordered to be set off against the substantive sentence.

2. Feeling aggrieved of the said judgment of conviction and order of sentence, applicants-appellants, filed an appeal which has been admitted by this Court today itself i.e. 27.05.2025 and recovery of fine has also been stayed.

3. By referring to the particulars of the co-accused and the complainant, Surender Singh @ Surinder, learned counsel for the applicants-appellants submits that both parties were residing in close proximity in Village Ghuskani Lal Pana, Tigrana, District Bhiwani. The allegation against the applicants appears to have stemmed from prior litigation between the parties, which led to an exaggerated version of events being lodged. Specifically, the accusation of mobile phone snatching was made, thereby attracting the provisions of Section 379-B of the IPC.

Learned counsel submits that the present case is not one involving highway robbery or snatching by unknown individuals, but rather the product of pre-existing personal enmity

between the parties. It is further pointed out that several cross-cases were registered against both sides, including Respondent No.2 – Surender Singh @ Surinder. In fact, the judgment of acquittal dated 02.11.2023, passed by the learned Trial Court in one such case, has also been annexed with the appeal to demonstrate the acrimonious history between the parties.

4. *Learned counsel further submits that a spirit of reconciliation has now prevailed among the family members of both sides, and the parties have amicably resolved their dispute through a duly executed and notarized compromise deed dated 23.05.2025, which has also been appended with the present memo of appeal.*

5. *Learned counsel appearing for Respondent No.2 – complainant, while representing himself, affirms the factum of compromise as stated by the counsel for the applicants-appellants. He submits that the parties are now living peacefully and that respondent No.2 is present in-person before this Court. On being duly identified by his counsel, respondent No.2 also affirms, the genuineness of the compromise and his intention to bring an end to the ongoing dispute among the family members.*

6. *Considering the submissions made by learned counsel for the parties and the fact that the compromise has been voluntarily affirmed by the complainant before this Court, this Court is of the view that it would be just and appropriate to suspend the sentence awarded to the applicants-appellants during the pendency of the present appeal.*

7. *Accordingly, order of sentence dated 21.05.2025, qua the applicants-appellants, namely; (i) Vikash @ Vikas, (ii) Rahul, and (iii) Dharambir, is hereby suspended and they are ordered to be released on bail in this case, subject to their furnishing the fresh bail/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.*

9. *Application stands disposed of.*

CRM-22554-2025

I. *This is an application filed under Section 359 of BNSS, 2023 r/w Section 528 of BNSS, 2023, for seeking permission*

to compound the offence in case, FIR No.13, dated 11.01.2022 u/s 341, 379-B, 34, 506 IPC and for quashing the impugned judgment of conviction dated 19.05.2025 and order of quantum of sentence dated 21.05.2025, on the basis of the post – conviction compromise dated 23.05.2025.

II. Notice of this application to the non-applicant/respondents.

III. Mr. Sanjiv Kumar, AAG, Haryana, who is present in Court, accepts notice on behalf of non-applicant/respondent No.1 – State.

IV. At this stage, Mr. Amit Kumar, Advocate, puts in appearance on behalf of non-applicant/respondent No.2 – complainant and confirms that all necessary/affected persons are party to the present appeal and interest of no one else is involved therein.

V. In view of above, all the parties, i.e., applicants-appellants and respondent No.1 – complainant are directed to appear before the Mediation and Conciliation Centre of this Court on 19.06.2025, for recording their statements qua the factum of compromise and resolving the dispute amicably. Needless to add that parties shall remain present on each and every date fixed by the said Forum.

For awaiting report, adjourned to 29.07.2025.

Let the main appeal be also listed for hearing on the date fixed.”

2. Thereafter, on 29.07.2025, following order was passed:-

“ Counsel for respondent No.2-Surender Singh @ Surender, is present in Court today and endorses the fact of compromise already executed between the parties, as also recorded in the compromise deed, which has also been endorsed in the proceedings before the Mediation and Conciliation Centre of this Court.

List on 05.08.2025.

Respondent No.2 is directed to file to file an affidavit with regard to the said compromise on or before the next date of hearing.”

3. As per report dated 19.06.2025, received from the Mediation and Conciliation Centre of this Court, matter has been settled amicably and same has been reduced into writing vide Settlement Agreement dated 19.06.2025, wherein, one joint statement of all three appellants and complainant – Surinder Singh, was recorded. For reference, same is reproduced here-under also:-

“Joint Settlement of Vikash, Rahul, Dharambir (appellants) and Surender Singh (complainant)”

The parties entered into a mutual compromise which is duly executed and notarized dated 23.05.2025 which is appended with the memo of appeal.

Above mentioned parties stated that parties entered into the above mentioned compromise without any undue influence or pressure, force or greed, and out of their sweet will and in their full sense in the presence of respectable persons.

First Party

*Vikash @ Vikas Sd/-
Rahul Sd/-
Dharambir Sd/-*

Mr. Gopal Sharma, Advocate (P-651/2002) Sd/-

Second Party

Surender Singh Sd/-

*Mr. Prabhat Sharma, Advocate (PH-961/2025) for
Mr. Amit Kumar, Advocate (PH-5483/2019) Sd/-*

19.06.2025

*Sd/-
(Raman Sihag)
Mediator”*

3. Today, learned counsel for respondent No.2 has filed a notarized affidavit dated 29.07.2025, and submits that respondent No.2 has no objection if the offences are ordered to be compounded or if the accused are acquitted of all the charges.

Said affidavit has already been taken on record vide separate

order of even date passed in CRM-30269-2025, as mentioned here-above.

4. For reference, relevant extract part of the aforesaid affidavit is also reproduced here-under:-

“3. That the First Party (Surender Singh) was facing criminal proceedings in FIR No. 14 dated 11.01.2022, which was registered in Police Station Sadar Bhiwani in Case CIS no. CHI/263/2022. This criminal case against the first party was decided on 02.11.2023 by the Ld. Additional CJM Bhiwani, whereby the first party acquitted because the victim – Dharambir (Second party no.3) did not support the case of the prosecution due to the compromise between the parties.

4. That the second party (Father & two sons) were also facing the criminal proceedings in Session case no.8 of 2022 in FIR no.13. On account of non-production of written compromise, the Ld. Sessions Judge has passed the judgment dated 19.05.2025 and convicted the accused under Sections 341, 379-B, 34 and 506 IPC and sentenced them for 10 years RI in offence under Sections 379-B IPC read with 34 IPC, simple imprisonment for one month in offence under section 341 read with section 34 IPC and RI for 3 years for offence under section 506 IPC.

5. That now both parties agreed to finish their dispute and now there is no personal enmity among them. All misunderstandings have come to an end and the first party having no grievances of any kind against the Second party.”

5. The Full Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, has observed as under:

“(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice”.

(29) *In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) *The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

(31) *No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debita Justitia to prevent an abuse of process of*

Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

6. In this regard, counsel for the petitioner has also placed reliance on the judgment(s) of:

- i) *Hon’ble the Supreme Court rendered in the cases of Narinder Singh and others another v. State of Punjab and , (2014) 6 SCC 466; and Ramgopal and another v. The State of Madhya Pradesh SCC Online SC 834;*
- ii) *A Division Bench judgment of this Court in the case of Sube Singh and another another v. State of Haryana and , 2013 (4) RCR (Criminal) 102; and*
- iii) *A recent judgment passed by this Court in the case of Lakhbir Singh v. State of Punjab and another (CRA-S2065-SB-2007, decided on 14.02.2023 : Law Finder Doc ID #2138925).*

7. In view of the compromise/settlement arrived at between the parties; by compounding the offence(s), proceedings can be quashed for the offence(s) in question.

8. Since, the dispute has already been resolved, offences under Sections 341, 379-B, 34, 506 of IPC, is ordered to be compounded. Thus, application, i.e., CRM-22554-2025 is allowed, and resultantly, the judgment

of conviction and order of sentence dated 19/21.05.2025, passed by the Court(s) below, is also ordered to be considered inoperative and of no consequence for all intents and purposes.

9. Present appeal stands disposed of, with the aforesaid observations.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

August 05, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No