

Before Vikas Bahl, J.

BHURA SINGH @ BHARPOOR SINGH — *Petitioners*

versus

STATE OF PUNJAB — *Respondents*

CRR No.252 of 2008

May 26, 2022

Code of Criminal Procedure, 1973— S.482 — Indian Penal Code, 1860, Ss.323 and 324 — Voluntarily causing hurt by dangerous weapons —Held, in view of judgment of the Hon'ble Supreme Court in Ramgopal & Anr's case, relevant parameters for consideration as laid down in judgment, would be considered by Court— Firstly, occurrence involved in petition can be categorized as purely personal/criminal act of private nature— Secondly, no injury declared to be dangerous to life caused to any of persons and allegations do not exhibit element of mental depravity or commission of offence of such serious nature — Acquittal in case would not override public interest - Thirdly, since, appellate Court upheld conviction of petitioners only under Sections 323 and 324 IPC, which is with respect to simple injuries and same also stands compromised, thus, it is immaterial that petitioners convicted by Courts below — Fourthly, compromises are without any coercion or compulsion and have been entered into willingly and voluntarily — Fifthly, occurrence took place in year 1999 and nothing to show that any untoward incident took place after same - Sixthly, compromises effected between parties would help in bringing out peace and harmony among parties — Seventhly, object of administration of the criminal justice system would remain unaffected on acceptance of amicable settlement between parties and/or resultant acquittal of petitioners —Therefore, conviction and sentence set aside.

Held, that the relevant parameters for consideration as laid down in the said judgment would be considered by this Court. Firstly, the occurrence which has been involved in the present petition can be categorized as purely personal/criminal act of private nature. Secondly, in the present case, no injury declared to be dangerous to life has been caused to any of the persons and the allegations in the present case do not exhibit an element of mental depravity or commission of an offence of such a serious nature. The acquittal in the present case would not override public interest. Thirdly, since in the present case, the appellate

Court had upheld the conviction of petitioners only under Sections 323 and 324 IPC, which is with respect to the simple injuries and the same also stands compromised, thus, it is immaterial that the petitioners had been convicted by the Courts below. Fourthly, compromises are without any coercion or compulsion and have been entered into willingly and voluntarily. Fifthly, the occurrence in the present case took place in the year 1999 and there is nothing to show that any untoward incident has taken place after the same. Sixthly, the compromises effected between the parties would help in bringing out peace and harmony among the parties. Seventhly, the object of administration of the criminal justice system would remain unaffected on acceptance of the said amicable settlement between the parties and/or resultant acquittal of the petitioners.

(Para 22)

Himmat Singh Deol, Advocate, *for the petitioners.*

Sukhbeer Singh, AAG, Punjab.

Angrej Singh, Advocate for Jasmail Singh Brar, Advocate, for the complainant.

VIKAS BAHL, J. (ORAL)

CRM-19909-2022

(1) This application has been filed under Section 482 Cr.P.C. for placing on record copy of death certificate dated 10.02.2020 of Lakhwinder Singh (petitioner No.3) as Annexure A-1 and compromise dated 12.05.2022 and 18.05.2022 as Annexures A-2 and A-3, respectively.

(2) In view of the averments made in the application, the same is allowed and copy of death certificate dated 10.02.2020 of Lakhwinder Singh/petitioner No.3 (Annexure A-1) and compromise dated 12.05.2022 and 18.05.2022 (Annexures A-2 and A-3) are taken on record, subject to all just exceptions.

CRR-252-2008

(3) Challenge in the present Criminal Revision is to the judgment and order of sentence dated 02.08.2007 passed by the Judicial Magistrate 1st Class, Muktsar, vide which the present petitioners along with one Baldev Singh have been convicted and have been sentenced as under:-

"BALDEV SINGH

Under sections

- 326/149 Rigorous imprisonment for 1 Year and Rs. 500.00 fine,
in default of fine 1 month RI.
- 324/149 Rigorous imprisonment for 6 month
- 323/149 Rigorous imprisonment for 3 month
- 148 IPC Rigorous imprisonment for 3 month

“BHURA SINGH

Under sections

- 326 Rigorous imprisonment for 3 years and Rs. 1000.00
fine, in default of fine 3 months R.I.
- 324 Rigorous imprisonment for 1years
- 329 Rigorous imprisonment for 9 months
- 326/149 Rigorous imprisonment for 1 Year and Rs. 500.00 fine,
in default of fine 1 month RI.
- 324/149 Rigorous imprisonment for 6 months
- 323/149 Rigorous imprisonment for 3 months
- 148 IPC Rigorous imprisonment for 3 months

“SUKHJINDER SINGH

Under Sections

- 326 Rigorous imprisonment for 3 years and Rs.1000.00 fine,
in default of fine 3 months R.I.
- 324 Rigorous imprisonment for 1 year
- 326/149 Rigorous imprisonment for 1 years and Rs.500.00 fine,
in default of fine 1 months R.I.
- 324/149 Rigorous imprisonment for 6 months
- 323/149 Rigorous imprisonment for 3 months
- 148 IPC Rigorous imprisonment for 3 months

“LAKHWINDER SINGH

Under Sections

- 323 Rigorous imprisonment for 9 months
326/149 Rigorous imprisonment for 1 years and Rs.500.00
fine, in default of fine 1 months R.I.
324/149 Rigorous imprisonment for 6 months
323/149 Rigorous imprisonment for 3 months &
148 IPC Rigorous imprisonment for 3 months

“BALWINDER SINGH

Under sections

- 323 Rigorous imprisonment for 9 months
326/149 Rigorous imprisonment for 1 years and Rs.500.00 fine,
in default of fine 1 months R.I.
324/149 Rigorous imprisonment for 6 months
323/149 Rigorous imprisonment for 3 months &
148 IPC Rigorous imprisonment for 3 months

All the sentences shall run concurrently."

(4) Challenge has also been made to the judgment dated 02.02.2008, passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Muktsar, vide which, the conviction of the present petitioners under Sections 323 and 324 IPC was upheld, whereas, they were acquitted of the charges framed under Sections 326 read with Section 149 IPC as well as under Section 148 IPC.

(5) At the very outset, learned counsel for the petitioners has pointed out that petitioner No.3-Lakhwinder Singh has since died on 15.01.2020 and has placed on record the death certificate (Annexure A-1) along with CRM-19909-2022 and has submitted that the present revision petition qua the said petitioner No.3 has thus, abated.

(6) The said fact has not been disputed by learned State counsel as well as learned counsel appearing for the complainant.

(7) The brief facts of the case are that the FIR in the present case was registered on the statement of Gurpreet Singh son of Amarjit Singh, who had alleged that on 23.07.1999 at about 10.30 AM, the accused persons armed with weapons had caused injuries to Baljit Singh, Gurpreet Singh and Jagsir Singh. On the basis of the said statement, the FIR was registered and finding a *prima facie* case,

charges had been framed. As many as, eight witnesses were examined, the details of whom have been given as under: -

"Gupreet Singh PW1; Baljit Singh PW2; Jagsir Singh PW3; Dr. Madan Gopal Sharma PW4; Dr. N.R. Duggal PW5; ASI Jaswant Singh PW6; ASI Mohinder Singh PW7 and Amarjit Singh PW8."

(8) After considering the entire evidence and documents on record, the Judicial Magistrate Ist Class, Muktsar had convicted and sentenced the petitioners as well as one Baldev Singh, under various sections, as has been reproduced hereinabove and an appeal was preferred before the Additional Sessions Judge, Fast Track Court, Muktsar, by all the accused persons and the Additional Sessions Judge, Fast Track Court, Muktsar, vide order dated 02.02.2008, had acquitted the said Baldev Singh of all the charges and had also acquitted the present petitioners of the charges under Sections 326 read with Section 149 IPC as well as under Section 148 IPC, but had upheld the conviction of the petitioners under Sections 323 and 324 IPC, thus, the maximum sentence of imprisonment awarded to petitioner-Balwinder Singh was 9 months and sentence of imprisonment awarded to other two petitioners, namely, Bhura Singh @ Bharpoor Singh and Jinder Singh @ Sukhjinder Singh was one year.

(9) The present Criminal Revision has been filed challenging the abovesaid judgment.

(10) Learned counsel for the petitioners and respondent No.2 have submitted that during the pendency of the proceedings, compromise has been effected between the petitioners and respondent No.2 and on the basis of the said compromise, it has been agreed that the complainant would have no objection in case the petitioners are acquitted of the charges framed against them. In the present case, there are two compromises. The first compromise is dated 12.05.2022 (Annexure A-2) is between three petitioners i.e. Bhura Singh alias Bharpoor Singh; Jinder Singh alias Sukhjinder Singh; Balwinder Singh and complainant Gupreet Singh son of Amarjit Singh. The second compromise dated 18.05.2022 (Annexure A-3) is between the said three petitioners and injured Baljeet Singh son of Jagraj Singh. The terms of the compromise dated 12.05.2022 (A-2) are reproduced herein below: -

"Gurpreet Singh son of Amarjit Singh resident of Village Marae Kalan Tehsil and District Sri Muktsar Sahib

-First Party

1. Bhura Singh alias Bharpoor Singh son of Baldev Singh Jatt Sikh, resident of village Marar Kalan, Tehsil & District Muktsar Sahib
2. Jinder Singh alias Sukhjinder Singh son of Gurcharan Singh Jatt Sikh, resident of village Marar Kalan, Tehsil & District Muktsar Sahib.
3. Balwinder Singh son of Gurcharan Singh Jatt Sikh resident of village Marar Kalan, Tehsil & District Muktsar Sahib.

--Second Party

1. That on the statement of first party, FIR No.138 dated 23.07.1999 under section 324, 323, 18, 149 IPC was registered at P.S.Sadar Sri Muktsar Sahib against No.1 to 3 of second party and Baldev Singh son of Nihal Singh, Lakhwinder Singh son of Gurcharan Singh residents of Marar Kalan, Tehsil and District Sri Muktsar Sahib, in which the court of Sh.Rajiv Kalra JMIC Sri Muktsar Sahib vide judgment dated 02.08.2007 had convicted the second party. Against the judgment dated 8.02.2007, the second party had filed appeal No.98/27.8.2007 in the court of Ld. Sessions Judge, Sri Muktsar Sahib, which was disposed off by the court of Sh.P.P. Singh, Addl. Sessions Judge, Sri Muktsar Sahib, vide judgment dated 01.02.2008 and maintained the sentence of second party. Thereafter the second party has filed CRR No.252 of 2008 against the said judgment in the Hon'ble Punjab and Haryana High which is pending. During the pendency of this, accused Baldev Singh and Lakhwinder Singh have passed away.

2. That now the panchayat and respectable have compromised the matter between both the parties because both the parties are relatives and they keep on visiting/meeting each other. In view of the same both the parties intend to end this litigation. Now, the misunderstanding between both the parties have been removed and differences between both the parties have been settled and no dispute is pending between them. As per the present compromise, the first party do not want any action against second party in the above mentioned FIR and if the above

FIR is quashed the petition filed by the second party in the Hon'ble Punjab and Haryana High Court be disposed off and they be acquitted, then first party has no objection with regard to that.

3. That both the parties in order to maintain peace and harmony between each other intend to end this case and will not file any claim/objection in future against each other.

4. That the first party will be bound to make statement in any court or before Hon'ble Punjab and Haryana High Court or before the police in the above mentioned pending appeal and to quash the above mentioned FIR and will not raise any objection regarding that.

5. That after the above mentioned FIR against second party is quashed, it will not file any suit for defamation or compensation against the first party.

6. That this compromise has been executed by both the parties in their full senses without and fear or pressure and by their own free will and both the parties will be bound by the terms of this compromise.

At :- Sri Muktsar Sahib Date 12.05.2022

(11) The relevant portion of the compromise dated 18.05.2022 is reproduced herein below:-

"Baljeet Singh son of Jagraj Singh resident of Marar Kalan Tehsil and District Sri Muktsar Sahib and Jagseer Singh son of Surjit Singh resident of Chack Motlewala, Tehsil and District Sri Muktsar Sahib.

-First Party

1. Bhura Singh alias Bharpoor Singh son of Baldev Singh Jatt Sikh, resident of village Marar Kalan, Tehsil & District Muktsar Sahib

2. Jinder Singh alias Sukhjinder Singh son of Gurcharan Singh Jatt Sikh, resident of village Marar Kalan, Tehsil & District Muktsar Sahib.

3. Balwinder Singh son of Gurcharan Singh Jatt Sikh resident of village Marar Kalan, Tehsil & District Muktsar Sahib.

--Second Party"

(12) The rest of the terms of the above-said compromise dated 18.05.2022 (Annexure A-3) are similar to the terms laid down in the compromise dated 12.05.2022 (Annexure A-2).

(13) A perusal of the above-said compromises (Annexures A-2 and A-3) would show that it has been specifically stated that the said compromises have been entered into between the parties without any coercion and fear or pressure and of their own free will.

(14) Learned counsel for the petitioners has also relied upon the latest judgment dated 29.09.2021 of the **Hon'ble Supreme Court of India in Criminal Appeal no.1489 of 2012** titled as **Ramgopal & Anr. versus The State of Madhya Pradesh** and connected matter and has prayed that the present revision petition be allowed.

(15) Learned counsel for the complainant/respondent No.2 has submitted that the compromises are genuine and bona fide and have been entered into without any coercion, undue influence and pressure and would help in bringing out peace and harmony between the families of the complainant and the petitioners. He has thus, prayed that the present Criminal Revision be allowed.

(16) This Court has heard learned counsel for the parties.

(17) The Hon'ble Supreme Court of India in **Ramgopal and Anr.'s case (supra)** has discussed in detail the power of the High Court in a case where compromise has been effected after the conviction. The relevant portion of said judgment is reproduced hereinbelow:-

“2. The prosecution version, arising out of FIR dated 3rd November 2000, Police Station Ambah, Morena, M.P. is that on account of certain monetary dispute, the Appellants abused and assaulted Padam Singh (Complainant). Appellant No.1 is alleged to have struck the Complainant with a pharsa, which resultantly cut off the little finger of his left hand. Appellant No.2 also struck lathi blows on the body of the Complainant. Appellants were thereafter committed for trial under Sections 294, 323 and 326 read with 34 of Indian Penal Code, 1860 (hereinafter, ‘IPC’) and Section 3 of the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989. Upon analyzing the evidence, the Learned Judicial Magistrate(FC), Ambah,

convicted the Appellants under Sections 294, 323 and 326 read with 34 IPC with a maximum sentence of three years under Section 326 read with 34 IPC.

xxx xxx xxx

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 that 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. and
Laxmi Narayan (Supra).

xxx

xxx

xxx

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.”

(18) A perusal of the abovesaid judgment would show that it has been held that the extra ordinary power enjoined upon a High Court under Section 482 Cr.P.C., can be invoked beyond the metes and bounds of Section 320 Cr.P.C. It has further been observed that criminal proceedings involving non henious offences can be annulled irrespective of the fact that trial has already been concluded and appeal stands dismissed against conviction and that handing out punishment is not the sole form of delivering justice. Thus, it goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise suchdiscretion with rectitude, keeping in view the circumstances surrounding the incident.

(19) A Coordinate Bench of this Court in **Ram Parkash's case** (*supra*), has allowed a case under similar circumstances. The relevant portion of the said judgment is reproduced hereinbelow:-

“Prayer in this petition filed under Section 482 Cr.PC is for quashing of the FIR No.225, dated 24.08.2005 (Annexure P-1) under Sections 323, 324, 452, 506, 148 and 149 IPC(subsequently added Section 308 and 336 IPC), registered at Police Station Sadar Nawanshahar, District-Nawanshahar, on the basis of compromise dated

06.02.2015(Annexure P-4) and all other subsequent proceedings arising therefrom including the judgment of conviction and order of sentence, both dated 25.09.2013 passed by the learned Addl. Sessions Judge, Shaheed Bhagat Singh Nagar, whereby the accused-petitioners, were convicted and sentenced...

xxx

xxx

xxx

Quashing of the aforesaid FIR and setting aside of the impugned judgment and order of sentence dated 25.09.2013 passed by the learned Addl. Sessions Judge, Shaheed Bhagat Singh Nagar, is sought on the basis of compromise dated 06.02.2015 (Annexure P-4), entered into between the parties during the pendency of the appeal before this Court.

xxx

xxx

xxx

This Court in the case of *Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102* has considered the compounding of offences at the appellate stage and has observed that even when appeal against the conviction is pending before the Sessions Court and parties entered into a compromise, the High Court is vested unparallel power under Section 482 Cr.PC to quash criminal proceedings at any stage so as to secure the ends of justice and has observed as under:-

“15. The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 Criminal Procedure Code and pass an appropriate order so as to secure the ends of justice.

16. As regards the doubt expressed by the learned Single Judge whether the inherent power under Section 482 Criminal Procedure Code to quash the criminal proceedings on the basis of compromise entered into between the parties can be invoked even if the accused has been held guilty and convicted by the trial Court, we find that in *Dr. Arvind Barsaul etc. v. State of Madhya Pradesh & Anr., 2008(2) R.C.R. (Criminal) 910 : (2008)5 SCC 794*, the unfortunate matrimonial dispute was settled after the appellant (husband) had been convicted under Section 498A Indian Penal Code and sentenced to 18 months' imprisonment and

his appeal was pending before the first appellate court. The Apex Court quashed the criminal proceedings keeping in view the peculiar facts and circumstances of the case and in the interest of justice observing that "continuation of criminal proceedings would be an abuse of the process of law" and also by invoking its power under Article 142 of the Constitution. Since the High Court does not possess any power akin to the one under Article 142 of the Constitution, the cited decision cannot be construed to have vested the High Court with such like unparallel power.

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.

18. xxx xxx

19. xxx xxx

20. xxx xxx

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.

22. Consequently and for the reasons afore- stated, we allow this petition and set aside the judgment and order dated 16.03.2009 passed in Criminal Case No. 425-1 of 2000 of Additional Chief Judicial Magistrate, Hisar, on the basis of compromise dated 08.08.2011 arrived at between them and their step-mother respondent No.2 (Smt. Reshma Devi) w/o late Rajmal qua the petitioners only. As a necessary corollary, the criminal complaint filed by respondent No.2 is dismissed qua the petitioners on the basis of above-stated compromise. Resultantly, the appeal preferred by the petitioners against the above- mentioned order dated 16.03.2009 would be rendered infructuous and shall be sodeclared by the first Appellate Court at Hisar.”

Similarly, in the case of *Baghel Singh Versus State of Punjab 2014(3) RCR (Criminal) 578*, whereby the accused was convicted under Section 326 IPC and was sentenced to undergo rigorous imprisonment for two years, the parties entered into compromise during the pendency of the appeal. This Court while relying upon the judgment of *Lal Chand Versus State of Haryana, 2009 (5) RCR (Criminal) 838 and Chhota Singh Versus State of Punjab 1997(2) RCR (Criminal) 392* allowed the compounding of offence in respect of offence under Section 326 IPC at the appellate stage with the observation that it will be a starting point in maintaining peace between the parties, such offence can be compounded.

xxx xxx xxx

Accordingly, FIR No.225, dated 24.08.2005 (Annexure P-1) under Sections 323, 324, 452, 506, 148 and 149 IPC (subsequently added Section 308 and 336 IPC), registered at Police Station Sadar Nawanshahar, District-Nawanshahar and all subsequent proceedings arising therefrom, qua the accused petitioners, are quashed, on the basis of compromise dated 06.02.2015 (Annexure P-4), subject to payment of costs of Rs.25,000/-, to be deposited with the Punjab State Legal Services Authority, Chandigarh.

Consequently, the judgment of conviction and order of sentence, both dated 25.09.2013 passed by the learned Addl. Sessions Judge, Shaheed Bhagat Singh Nagar, are set aside subject to payment of cost.”

(20) Another Coordinate of this Court in a judgment dated 09.03.2017 passed in CRR no.390 of 2017 titled as **Kuldeep Singh versus Vijay Kumar and another** has held as under:-

“Reliance can be placed on ***Kaushalya Devi Massand vs. Roopkishore Khore, 2011 (2) RCR (Criminal) 298 and Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097***. The revisional jurisdiction of the High Court in terms of Section 401 Cr.P.C. would result in bringing about ends of justice between the parties in the event of finding that the compromise is genuine, bonafide and free from any undue influence.

The compromise in question would serve as a everlasting tool in favour of the parties for which indulgence can be given by this Court. The revisional exercise would also be in consonance with the spirit of Section 147 of Negotiable Instruments Act.

The principle as laid down in ***Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097***, would be squarely fortified if the compromise in question is allowed to be effected between the parties with leave of the Court.

In view of aforesaid, impugned judgment dated 19.01.2017 passed by Additional Sessions Judge, Sri Muktsar Sahib vide which conviction and sentence of the petitioner was upheld stands quashed.

The revision petition is allowed subject to deposit of 15% of the cheque amount as per ratio laid down in ***Damodar S. Prabhu's case (supra)*** to State Legal Services Authority, failing which this order will be of no consequence. Necessary consequences to follow.”

(21) Reliance in the above said judgment was also placed upon the judgment of the Hon'ble Supreme Court in ***Damodar S. Prabhu's case (supra)*** and thus, as per settled law, this Court has the power to set aside the judgment of conviction passed against the petitioners on the basis of a valid compromise. The compromises in the present case are genuine and valid.

(22) Keeping in view the law laid down in the above said judgments, more so, the judgment of the Hon'ble Supreme Court in ***Ramgopal & Anr's case (supra)***, the relevant parameters for

consideration as laid down in the said judgment, would be considered by this Court. Firstly, the occurrence which has been involved in the present petition can be categorized as purely personal/criminal act of private nature. Secondly, in the present case, no injury declared to be dangerous to life has been caused to any of the persons and the allegations in the present case do not exhibit an element of mental depravity or commission of an offence of such a serious nature. The acquittal in the present case would not override public interest. Thirdly, since in the present case, the appellate Court had upheld the conviction of petitioners only under Sections 323 and 324 IPC, which is with respect to the simple injuries and the same also stands compromised, thus, it is immaterial that the petitioners had been convicted by the Courts below. Fourthly, compromises are without any coercion or compulsion and have been entered into willingly and voluntarily. Fifthly, the occurrence in the present case took place in the year 1999 and there is nothing to show that any untoward incident has taken place after the same. Sixthly, the compromises effected between the parties would help in bringing out peace and harmony among the parties. Seventhly, the object of administration of the criminal justice system would remain unaffected on acceptance of the said amicable settlement between the parties and/or resultant acquittal of the petitioners.

(23) Thus, keeping in view the abovesaid facts and circumstances, the present Criminal Revision qua petitioners Bhura Singh @ Bharpoor Singh; Jinder Singh @ Sukhjinder Singh and Balwinder Singh is allowed and the judgment of conviction and order of sentence dated 02.08.2007 as well as judgment dated 02.02.2008 are set aside and the petitioners are acquitted of the charges framed against them. The present revision petition qua petitioner No.3 Lakhwinder Singh stands abated.

(24) All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid.

Ritambhra Rishi