

ITEM NO.1501  
(For Judgment)

COURT NO.14

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).8101-8102/2019

RAGHUNATH SHARMA & ORS.

PETITIONER(S)

VERSUS

THE STATE OF HARYANA & ANR.

RESPONDENT(S)

[HEARD BY : HON. PANKAJ MITHAL AND HON. SANJAY KAROL, JJ.]

WITH

Diary No(s). 34946/2019 (II-B)

SLP(Crl) No. 10274-10275/2019 (II-B)

Date : 16-05-2025 These matters were listed for pronouncement of judgment today.

For Petitioner(s) :

Mr. A.R.Takkar, Adv.  
Mr. A. Venayagam Balan, AOR  
Ms. Shriya Takkar, Adv.  
Mr. Manan Takkar, Adv.  
Mrs. Unnati Anand, Adv.  
Mrs. V.santhanalakshmi, Adv.  
Mr. Puneet Thakur, Adv.

For Respondent(s) :

Dr. Hemant Gupta, A.A.G.  
Mr. Samar Vijay Singh, AOR  
Ms. Payal Gupta, Adv.  
Ms. Sabarni Som, Adv.  
Mr. Fateh Singh, Adv.  
Mr. Rony John, Adv.  
Ms. Vineeta Tiwari, Adv.  
Mr. Aman Dev Sharma, Adv.

Mrs. V. D. Khanna, AOR

Hon'ble Mr. Justice Sanjay Karol pronounced the judgment of the Bench comprising Hon'ble Mr. Justice Pankaj Mithal and His Lordship.

Criminal Appeals @ Special Leave to Appeal (Crl.) No(s).8101-8102/2019:-

1. Leave granted.
2. The appeals are allowed, in terms of the signed reportable judgment, which is placed on the file. The operative portion of the judgment reads as follows:

“12. In view of the above discussion of law, the conclusion is that the impugned judgment was passed by the High Court without any authority or basis. Once the criminal cases had been quashed, under Section 482 Cr.P.C. on the ground of compromise entered into between the parties, one of the parties violating terms thereof is a ground entirely foreign to law, to once again invoke such powers and recall the order of quashing. Violations of a term of a compromise have their own avenues of law from which they can be enforced.

13. The appeals, therefore, succeed and are, accordingly, allowed. The impugned judgment and orders, as described in para 2, and the consequences flowing from such revival, shall stand set aside and quashed.

14. At the end, we may record our surprise that the High Court adopted the course it did without reference to the well-established position of law, as demonstrated above. We summarize the findings/issue directions, as follows :

1. The bar under Section 362 Cr.P.C. is almost absolute;

2. The only exceptions to the bar, which would then permit the invocation of inherent powers, would be if it is necessary to meet the ends of justice; or to remedy the abuse of the process of law. Other than the above two circumstances, such inherent powers do not permit the doing of what stands prohibited by the text of the statute;

3. To clarify, it may be stated that when a Court finds itself in such extraordinary circumstances, the reasons for exercising such power should be recorded, justifying the

invocation thereof.

15. We direct the Registry to circulate a copy of this judgment to all High Courts, for necessary dissemination to all concerned. It is our hope that lending clarity, coupled with the necessary information being supplied would curb such unjustified use of power."

3. Pending applications, if any, shall be closed.

Criminal Appeals @ Diary No.34946/2019 & SLP(Crl) No.10274-10275/2019:-

1. Delay condoned.

2. Leave granted.

3. In view of the discussion made in Criminal Appeals @ SLP(Crl.) No(s).8101-8102/2019, the present criminal appeals shall also stand similarly disposed of.

4. Pending applications, if any, shall be closed.

(D. NAVEEN)  
COURT MASTER (SH)

(ANU BHALLA)  
COURT MASTER (NSH)