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

CRM-M-28554 of 2015

Date of Decision: August 26, 2015.

Kala @ Parmod and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Shalini Atri, Advocate
for the petitioners.

SABINA, J.

Petitioner has filed this petition under Section 482 of Code of Criminal Procedure, 1973 seeking quashing of FIR No.342 dated 18.07.2015, under Sections 364-A, 34 of Indian Penal Code, 1860 ('IPC' for short) and Section 25 of Arms Act, 1959 ('Act' for short), registered at Police Station Gharaunda, District Karnal and all consequential proceedings arising therefrom on the basis of compromise.

Heard.

In the present case, the allegations levelled against the petitioners are serious in nature. As per the prosecution case, petitioners had abducted the complainant and had demanded ₹10,00,000/- from him. Thereafter, the complainant was released after petitioners were paid ₹5,00,000/-.

Hon'ble the Apex Court in the case of **Gian Singh vs.**

State of Punjab and another 2012 (4) RCR (Crl.) 543, has held as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal

case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

Keeping in view the seriousness of allegations levelled against the petitioners, no ground for quashing of FIR No.342 dated 18.07.2015, under Sections 364-A, 34 IPC and Section 25 of the Act, registered at Police Station Gharaunda, District Karnal on the basis of compromise, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 26, 2015
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