

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(1) CRM No.M-33703 of 2013

Kuldeep Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

(2) CRM No.M-33701 of 2013

Tilak Raj and othersPetitioners

Versus

State of Punjab and othersRespondents

Date of Decision:04.02.2015

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Vishal Aggarwal, Advocate, for the petitioners,
in 1st case and for respondent Nos.2 and 3 in 2nd case.**

**Mr.Bhupinder Ghai, Advocate, for the petitioners
in 2nd case and for respondent Nos.2 to 7 in 1st case.**

**Mr.Raj Preet Singh Sidhu, Assistant Advocate General,
Punjab, for respondent No.1-State.**

MEHINDER SINGH SULLAR, J.(oral)

As, identical questions of law & facts are involved, therefore, I propose to decide the above indicated petitions bearing CRM No.M-33703 of 2013, titled as Kuldeep Singh and others Versus State of Punjab and others(for brevity “the 1st petition”) and CRM No.M-33701 of 2013, titled as Tilak Raj and others Versus State of Punjab and others(for short “the 2nd petition”), arising out of the same very FIR/incident/cross-case, by means of this common judgment, to avoid the repetition.

2. The matrix of the facts & material, which needs a necessary mention for deciding the core controversy, involved in the instant

petitions and emanating from the record is that, initially in the wake of complaint of complainant-Subh Lata wife of Sham Singh(respondent No.2)(for brevity “the complainant”), a criminal case was registered against the petitioners-accused-Kuldeep Singh son of Rattan Singh and others, vide FIR No.68 dated 30.10.2010(Annexure P-1), on accusation of having committed the offences punishable under Sections 452, 323, 148 and 149 IPC, by the police of Police Station Shahpur Kandi, District Pathankot.

3. Sequelly, the prosecution claimed that during the course of same very incident, the opposite party also sustained injuries. Therefore, in pursuance of the statement of complainant-Kuldeep Singh son of Rattan Singh, respondent No.2(for short “the complainant in the 2nd petition”), another criminal cross-case was also registered against the petitioners-accused-Tilak Raj son of Chain Singh and others(in 2nd petition), vide DDR No.15 dated 03.10.2010, by the police of same Police Station Shahpur Kandi, District Pathankot.

4. After completion of the investigation, the police submitted the final police reports(challan). The petitioners-accused were accordingly charge-sheeted for the commission of the pointed offences by the trial court and the cases were slated for evidence of the prosecution.

5. During the pendency of the criminal cases, good sense prevailed and the parties have amicably settled their disputes, by virtue of compromise-deeds dated 25.09.2013(Annexure P-2 in both the petitions).

6. Having compromised the matter, the petitioners-accused (in both the cross-cases), have preferred the present petitions, to quash the

impugned FIR(Annexure P-1), pointed DDR and all other subsequent proceedings arising therefrom, invoking the provisions of Section 482 Cr.P.C., *inter alia*, pleading that, after due deliberations and intervention of the respectables of the society, all the effected parties/injured (in both the cross-cases) have amicably settled the matter, vide compromise-deeds (Annexure P-2). They have redressed their grievances. They want to live in peace and harmony in future in the society. The respective complainants and injured persons have no objection, if the indicated criminal cross-cases registered against each other are quashed, on the basis of compromise-deeds. On the strength of aforesaid grounds, the petitioners-accused (in both the cases), sought to quash the impugned FIR (Annexure P-1), DDR and all other subsequent proceedings arising therefrom, in the manner described here-in-above.

7. During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise-deeds (Annexure P-2), by means of orders dated 21.07.2014 by a Coordinate Bench(R.P.Nagrath, J.) of this Court.

8. In compliance thereof, having recorded the statements of all the concerned parties, the trial Court has concluded vide its report dated 20.12.2014 that they have amicably settled their disputes with their free will and without any kind of pressure. The compromise has been effected voluntarily and the same is genuine. Likewise, similar report of the trial Court was received in the 2nd petition as well.

9. Meaning thereby, it stands proved on record that the parties

have amicably settled their disputes, by way of compromise-deeds (Annexure P-2). The factum of compromise is also reiterated in the reports of the trial Court.

10. What cannot possibly be disputed here is that, the law with regard to the settlement of criminal disputes by virtue of amicable settlement between the parties is no more *res integra* and is now well-settled.

11. An identical question came to be decided by the Hon'ble Supreme Court in case **Gian Singh Versus State of Punjab and another**, 2012(4) RCR(Criminal) 543. Having interpreted the relevant provisions and considered a line of the judgments on the indicated points, it was ruled (para 57) 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 personnel 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.”

12. Sequelly, the same view was again(recently) reiterated by Hon'ble the Apex Court in case Narinder Singh and others Versus State of Punjab and another, 2014(2) R.C.R.(Criminal) 482.

13. Such, thus, being the legal position and the material on record, now the short & significant question, though important, that arises for determination in these petitions is, as to whether the present criminal prosecution against the petitioners deserves to be quashed in view of the compromise or not?

14. Having regard to the contentions of the learned counsel, to my mind, it would be in the interest and justice would be sub-served, if the parties are allowed to compromise the matter. Moreover, the learned counsel are *ad idem* that, in view of the settlement of disputes between the parties, the present petitions deserve to be accepted in this context.

15. As is evident from the record that, in the instant cases, with the intervention of respectables of the society, the parties have amicably settled their disputes, by means of compromise-deeds(Annexure P-2), with their free will and without any kind of pressure. The settlement is stated to be in the welfare, benefit and larger interest of the parties. They have redressed their grievances. Now, they want to live with peace and

harmony in future in the society. The respective complainants and injured persons have no objection, if the indicated criminal cross-cases are quashed, on the basis of compromise-deeds. The factum and genuineness of the compromise between the parties is also reiterated by the trial Court in its indicated reports.

16. Thus, it would be seen that since, the compromise is in the welfare and interest of the parties, so, there is no impediment in translating their wishes into reality and to quash the criminal prosecution to set the matter at rest, to enable them to live in peace and to enjoy the life and liberty in a dignified manner. Therefore, to me, the ratio of the law laid down and the bench-mark set out by the Hon'ble Supreme Court in Gian Singh and Narinder Singh & others' cases(supra), “mutatis mutandis” is applicable to the facts of the present cases and is the complete answer to the problem in hand. Sequel, the impugned FIR (Annexure P-1), DDR and all other subsequent proceedings arising therefrom, deserve to be quashed in the obtaining circumstances of the case.

17. In the light of aforesaid reasons, the instant petitions are accepted. Consequently, the impugned FIR No.68 dated 30.10.2010 (Annexure P-1), DDR No.15 dated 03.10.2010 and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioners-accused are accordingly acquitted of the charges framed against them in the indicted criminal cases, on the basis of compromise, subject to all just exceptions.

February 04, 2015
seema

(MEHINDER SINGH SULLAR)
JUDGE