

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

1. Criminal Misc. No. M-48 of 2015

Vikram Singh @ Vicky

....Petitioner

Versus

State of Punjab & Anr.

...Respondents

2. Criminal Misc. No. M-43209 of 2014

Ranbir Singh & Ors.

....Petitioners

Versus

State of Punjab & Anr.

...Respondents

Date of Decision:-18.2.2015

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

Present:- Mr.Arunjeet Singh Kakkar, Advocate for the petitioner
in CRM No. M-48 of 2015 and for respondent No.2
in CRM No.M-43209 of 2014.

Mr.Raj Karan Singh Verka, Advocate for the petitioners
in CRM No. M-43209 of 2014 and for respondent No.2 in
CRM No. M-48 of 2015.

Ms.Priyanka Sadar, AAG Punjab for respondent No.1-State.

Mehinder Singh Sullar, J. (Oral)

As identical points of law and facts are involved, therefore, I propose to decide the indicated petitions i.e. CRM No. M-48 of 2015 titled as “Vikram Singh @ Vicky Vs. State of Punjab & Anr.” (for brevity “the 1st petition”) and CRM No.M-43209 of 2014 titled as “Ranbir Singh & Ors. Vs. State of Punjab & Anr” (for short “2nd petition”), arising out of the same incident/cross cases between the same parties, vide this common judgment in order to avoid the repetition of facts.

2. The contour of the facts & material, which needs a necessary mention for the limited purpose of deciding the core controversy, involved in the instant petitions and emanating from the record, is that initially, in the wake of statement of complainant Ranbir Singh s/o Prem Singh, respondent No.2 (for brevity “the complainant”), a criminal case was registered against petitioner-accused Vikram Singh alias Vicky s/o Rattan Singh (in 1st petition), by virtue of FIR No.173 dated 14.11.2014 (Annexure P1), on accusation of having committed the offences punishable u/ss 323 & 354A read with section 34 IPC by the police of Police Station Kharar, District S.A.S.Nagar (Mohali) (subject matter of 1st petition).

3. Sequelly, in pursuance of statement of complainant Pawandeep Singh s/o Gurdev Singh (in short “the complainant”), another criminal cross case was registered against petitioners-accused Ranbir Singh s/o Prem Singh and others (in 2nd petition), by way of Rapat Roznamcha No.36 dated 14.11.2014 (Annexure P1) in the same very FIR, for the commission of offences punishable u/ss 323, 341 and 506 read with section 34 IPC by the police of same very police station (subject matter of 2nd petition).

4. During the course of investigation of both the pointed criminal cases, good sense prevailed and the parties have amicably settled their disputes, by means of compromise deed (Annexure P-2) (in first petition) and (Annexure P3) (in 2nd petition).

5. Having compromised the matter, the petitioners-accused (in both the cases) have preferred the present petitions, to quash the impugned FIR and rapat roznamcha (Annexures P1) and all other subsequent proceedings arising therefrom, invoking the provisions of Section 482 Cr.PC, inter-alia, pleading that both the parties are peacefully residing in the

same locality. They are frequently meeting with each other. Now with the intervention of respectables, they have amicably settled their disputes, vide indicated compromise deeds (Annexures P2 & P3). They have redressed their grievances and have no grudge against each other. They want to live in peace and harmony in future in the society. The complainants and injured persons (in both the petitions) have no objection if the respective pointed criminal cases registered against them, by virtue of impugned FIR and rapat roznamcha (Annexures P1) are quashed. On the strength of aforesaid grounds, the petitioners in both the petitions sought to quash the impugned FIR and rapat roznamcha and all other consequent proceedings arising thereto in the manner depicted here-in-above.

6. During the course of preliminary hearing, the Magistrate, having the jurisdiction, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise deeds (Annexures P-2 & P3) and send his report, by way of order dated 7.1.2015 by this Court.

7. In compliance thereof, the Magistrate, having recorded the statements of all the concerned parties, has reported, by means of report dated 28.1.2015 (in first petition), that the parties have amicably settled their disputes. The compromise is genuine, valid and without any kind of pressure or coercion. Likewise, similar report dated 28.1.2015 was received in the 2nd petition as well.

8. Meaning thereby, it stands proved on record that the parties have amicably settled their disputes, by means of compromise deeds (Annexures P2 & P3) and the indicated reports of the Magistrates (in both the petitions).

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

10. An identical question came to be decided by the Hon'ble Apex 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.”

11. Similarly, the same view was reiterated by the Hon'ble Supreme Court in case Narinder Singh & others v. State of Punjab & Anr. 2014 (2) RCR (Criminal) 482.

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

13. 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 instant petitions deserve to be accepted in this context.

14. As is evident from the record that, both the parties are peacefully residing in the same locality. They are frequently meeting with each other. Now with the intervention of respectables, they have amicably settled their disputes, vide pointed compromise deeds (Annexures P2 & P3). They have redressed their grievances and have no grudge against each other. They want to live in peace and harmony in future in the society. The settlement is stated to be in the welfare & benefit of the parties in particular and in larger public interest of the society in general. The complainants and injured persons (in both the petitions) have no objection if the respective indicated criminal cases registered against them, by virtue of impugned FIR and rapat roznamcha (Annexures P1) are quashed. The factum and

genuineness of the compromise between them is also reiterated by the Magistrate in the indicated reports.

15. Therefore, 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. Thus, to me, the ratio of the law laid down and the bench-mark set out by the Hon'ble Apex Court in cases of **Gian Singh & Narinder Singh & Ors. (supra)**, “mutatis mutandis” is applicable to the facts of the present case and is the complete answer to the problem in hand. Likewise, the impugned FIR and rapat roznamcha (Annexures P-1) (in both the petitions) and all other subsequent proceedings arising therefrom, deserve to be quashed in the obtaining circumstances of the case.

16. In the light of the aforesaid reasons, the instant petitions are accepted. Consequently, the impugned FIR and rapat roznamcha (Annexures P-1) in both the petitions and all other consequent proceedings arising thereto, are hereby quashed. The petitioners-accused in both the petitions are accordingly discharged from the indicated criminal cases on the basis of compromise, subject to all just exceptions.

18.2.2015
AS

(Mehinder Singh Sullar)
Judge