

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

Date of decision: - 22.9.2017

(1) CRM-M-10342-2015 (O&M)

Sant Kumar

.....Petitioner

versus

State of Haryana and another

.....Respondents

(2) CRM-M-15118-2015 (O&M)

Sant Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

(3) CRM-M-34867-2015 (O&M)

Ram Kishan Suhag

.....Petitioner

versus

State of Punjab and another

.....Respondents

(4) CRM-M-36451-2015 (O&M)

Ram Kishan Suhag

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Ish Puneet Singh, Advocate for petitioner(s)
(CRM-M-10342-2015)
for respondent No. 2 (CRMs-M- 34867 and 36451-2015)

Mr. Nikil Anand, Advocate for petitioner(s).
(CRM-M-15118-2015)

Mr. Rakesh Nehra, Advocate for petitioner.
(CRMs-M-34867 and 36451-2015)

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This order shall dispose of above mentioned four CRMs i.e. CRM-M-10342-2015; CRM-M-15118-2015; CRM-M-34867-2017 and CRM-M-36451-2015 seeking quashing of the FIRs on the basis of compromise.

CRM-M-10342-2015

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No. 58, dated 12.02.2015 (Annexure P-1), under Sections 166, 167, 182, 191, 192, 193, 196, 197, 198, 199, 200, 203, 380, 420, 464, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 499, 500 and 120-B IPC, registered at Police Station, Rohtak Civil Lines, Rohtak, Distt. Rohtak, and all consequential proceedings arising therefrom on the basis of compromise dated 27.09.2015 (Annexure P-10).

Vide order dated 17.11.2015, this Court had directed the parties to appear before the trial Court and record their statements in pursuance to the compromise dated 27.9.2015. As per the report submitted by the trial Court, statements of respondent No. 2-complainant- R.K.Suhag, Advocate as well as the petitioner-Sant Kumar along with Preeti wife of Sant Kumar (non-petitioner), accused persons were recorded on 4.12.2015 and all the parties had acknowledged that they have effected a compromise. On the basis of the statement, trial Court has submitted a report dated 9.12.2015 that parties including both the accused- Sant Kumar and Preeti-wife of Sant Kumar as well as respondent No. 2-complainant, R.K.Suhag have compromised the matter.

CRM-M-15118-2015

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No 119 dated 19.3.2014, under Section 380 IPC, registered at Police Station Civil Lines, Rohtak (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 24.8.2017, parties were directed to appear before the trial Court and record their statements in support of the compromise. As per the report submitted by the trial Court dated 9.9.2017, both parties have appeared before the trial Court on 6.9.2017 along with ASI Jogender Singh who has deposed that in the FIR there is only one accused person, who has never been declared proclaimed offender. Accordingly, trial Court has reported that there is a valid compromise between the petitioner- Sant Kumar and complainant- R.K.Suhag.

CRM-M-34867-2015

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No. 36 dated 17.2.2015 (Annexure P-1), under Sections 420, 467, 468, 471, 120-B, IPC registered at Police Station Division Dakha, Ludhiana, Rural and all consequential proceedings arising therefrom on the basis of compromise dated 27.9.2015 (Annexure P-2).

Vide order dated 13.10.2015, parties were directed to appear before the trial Court for recording their statements. Trial Court has recorded the statement of petitioner Ram Kishan Suhag as well as respondent No. 2- Preeti Devi on 11.2.2016 and both of them have stated that as per the compromise (Ex. C-A), they have no objection if the FIR is quashed. Trial Court has stated that in this case, there is only one accused i.e. Ram Kishan Suhag. The petitioner- R.K.Suhag, at one stage was declared proclaimed offender, however, after recording the statement, he was sent to judicial custody and thereafter, he was granted regular bail.

CRM-M-36451-2015

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No. 194 dated 16.6.2015 (Annexure P-1), under

Sections 328/363/365/120-B, IPC registered at Police Station Division Dakha, Ludhiana, Rural and all consequential proceedings arising therefrom on the basis of compromise dated 27.9.2015 (Annexure P-2).

Vide order dated 29.1.2016, parties were directed to appear before the trial Court for recording of their statements. In pursuance thereof, trial Court has submitted a report dated 1.4.2016 and according to this report, petitioner-Ram Kishan Suhag and respondent No. 2-Sant Kumar have appeared on 11.2.2016 and have acknowledged the compromise Ex. CA. It is further submitted in the report that in this case also, accused-Ram Kishan Suhag was sent to judicial custody and later on he was granted bail.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Similarly, 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 predominatingly 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."

I have heard learned counsel for the parties and find that in pursuance to the report submitted by the trial Courts, since parties have decided to settle the dispute; live in peace & harmony and all the offences relating to the aforesaid FIRs in these petitions are compoundable, accordingly, aforesaid FIRs

182, 191, 192, 193, 196, 197, 198, 199, 200, 203, 380, 420, 464, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 499, 500 and 120-B IPC, registered at Police Station, Rohtak Civil Lines, Rohtak, Distt. Rohtak in **CRM-M-10342-2015: FIR No 119 dated 19.3.2014**, under Section 380 IPC, registered at Police Station Civil Lines, Rohtak (Annexure P-1) in **CRM-M-15118-2015; FIR No. 36 dated 17.2.2015** (Annexure P-1), under Sections 420, 467, 468, 471, 120-B, IPC registered at Police Station Division Dakha, Ludhiana, Rural in **CRM-M-34867-2015** and **FIR No. 194 dated 16.6.2015** (Annexure P-1), under Sections 328/363/365/120-B, IPC registered at Police Station Division Dakha, Ludhiana, Rural in **CRM-M-36451-2015** and all the consequential proceedings, arising therefrom, are ordered to be quashed. Since the parties have compromised in all the cases/FIR No. 58 dated 12.2.2015 against non-petitioner- Preeti Devi is also quashed in CRM-M-10342-2015.

A photocopy of this order be placed on the connected files.

(ARVIND SINGH SANGWAN)
JUDGE

22.9.2017
preeti

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No