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

CRM-M-20183-2017 (O&M)
Date of decision: - 25.10.2017

Buta Singh and others

.....Petitioners

versus

State of Punjab and ors

.....Respondents

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

Present: - Mr. G.S. Verma, Advocate for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Ms. Manju Sharma, Advocate
for respondents No. 2 to 5.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in the present petition is for quashing of the FIR No. 194 dated 21.11.2015, under Sections 452/323/324/148/149 IPC, registered at Police Station Sidhwan Bet, District Ludhiana on the basis of compromise.

Vide order dated 1.6.2017, parties were directed to appear before the trial Court for recording of their statements. Trial Court has submitted a report on 5.7.2017 that complainants have compromised the matter with accused persons namely Buta Singh; Paramjit Kaur; Rajdeep Singh; Lakhbir Singh and Veer Pal Singh, who are petitioners No. 1 to 5.

Later on vide order dated 7.9.2017, parties were again directed to appear before the trial Court for recording of the statements of complainants with regard to compromise with petitioners No. 6 and 7 as well. Trial Court has again submitted a report dated 27.9.2017 that complainants/respondents No. 2 to 5 have recorded their statements that they have also effected the compromise with petitioners No. 6 and 7 i.e., Bhupinder Kaur @ Ruby and Avtar Singh @ Tari and the said compromise is valid and genuine.

As per both the reports of the trial Court dated 5.7.2017 and 27.9.2017, all the parties have recorded their statements acknowledging the compromise and have decided to live in peace.

In view of 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.

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.”

Accordingly, this petition is allowed. FIR No. 194 dated 21.11.2015, under Sections 452/323/324/148/149 IPC, registered at Police Station Sidhwan Bet, District Ludhiana and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.

25.10.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No