IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

280/1 **CRM-M-24547 of 2017**
Date of decision: 20.09.2017.

Sarabjit Singh and others **...Petitioners.**

Versus

State of Punjab and another **...Respondents.**

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vivek Salathia, Advocate the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Vivek Singla, Advocate for
Mr. Vikas Gupta, Advocate for respondent No.2.

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SHEKHER DHAWAN, J.

Present petition is for quashing of FIR No.90 dated 10.04.2015 under Sections 323, 341, 506, 148, 149 IPC (Section 326 IPC added lateron) registered at Police Station Sultanwind, on the basis of compromise dated 23.06.2017 (Annexure P-3 colly).

2. Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

3. 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 by this Court.

4. In compliance thereof, report from the Judicial Magistrate Ist Class, Amritsar has been received through District and Sessions Judge, Amritsar with statement of parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

5. The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and

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Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

6. 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 judgment on the pointed 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 for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly 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 matr committed by public servants while working in that capacity etc., cannot provide imony relating to dowry*

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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."

7. The same view has been recently reiterated by Hon'ble the Apex Court in case **Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482.**

8. Having regard to the contentions of learned counsel for the parties and the fact that in the present case FIR was registered and the case is still at the initial stage, both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 482 Cr.P.C. has been filed for quashing the present FIR. The compromise has been arrived at with the intervention of the respectable and family members and the parties have decided to keep harmony between them and to live peacefully in future. Hence, it would be in the interest and justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are *ad idem* that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

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9. In view of above, the instant petition is accepted. Consequently, the impugned FIR No.90 dated 10.04.2015 under Sections 323, 341, 506, 148, 149 IPC (Section 326 IPC added lateron) registered at Police Station Sultanwind, and all other consequent proceedings arising thereto are hereby quashed, on the basis of compromise, qua the petitioners only.

(SHEKHER DHAWAN)
JUDGE

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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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