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

CRM-M-47721-2017

Decided on: 22.10.2018

Hardeep Singh and Others

.....Petitioners

Versus

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Tripathi, Advocate for petitioners.

Mr. Naveen Sheron, DAG, Haryana.

Mr. Rohan Mittal, Advocate for respondent-complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The prayer in this petition is for quashing the FIR No. 146 dated 03.11.2017 (Annexurer P-1) under Sections 323/324/506 IPC and Section 307 of IPC later on added, got registered by respondent No. 2 against the petitioners at P.S. Sector-20, Panchkula, District Panchkula, consequent upon the compromise between the petitioner/accused and respondent No. 2/injured victim Boota Singh.

Vide order dated 14.12.2017, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statement and the trial Court was directed to send the report regarding genuineness of the compromise and also intimate whether any P.O. proceeding is pending against the accused persons. Trial Court has submitted report on 19.01.2018 and as per the report, the complainant/victim Boota Singh has recorded his statement that he got the impugned FIR registered against the petitioners and now he has entered into a compromise with them which is without any pressure or fear and he do not want to take any further action against the petitioners. It is further submitted that he has no objection if the FIR is quashed.

Similar statement is made by the petitioners-accused persons acknowledging the compromise.

The reply on behalf of State by way of affidavit of Assistant Commissioner of Police, Panchkula, is also on record and as per the reply, during the investigation Section 307 of IPC was added.

As per the statement of the Investigating Officer, Sushil Kumar, S.I., it is stated that petitioners are not involved in any other criminal case and it is submitted that in pursuance of the compromise, now no dispute is pending between the parties.

Thus, the parties have entered into a valid and legal compromise and the trial Court has expressed its opinion that compromise effected between them is out of their own consent and without any pressure and no P.O. proceeding is pending against the petitioners.

I have heard counsel for the parties and perused the case file.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs. State of Punjab”***, 2007(3) RCR (Criminal) 1052, it is held that 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 feel that same was required to prevent the abuse of the process of law or otherwise to securer 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 (Criminal) 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 powers is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidelines 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 proceedings or complaint of 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 through the 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 the 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 matrimonial 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 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.”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 146 dated 03.11.2017 (Annexure P-1) under Sections 323/324/506 IPC and Section 307 of IPC later on added, got registered by respondent No. 2 against the petitioners at P.S. Sector-20, Panchkula, District Panchkula, and proceedings emanating therefrom are ordered to be quashed, qua the petitioners, subject to payment of costs of Rs. 3,000/- to be deposited with the District Legal Services Authority, Chandigarh.

(ARVIND SINGH SANGWAN)
JUDGE

22.10.2018
Ajay Goswami

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No