

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

**CRM-M No. 32477 of 2019 (O&M)
Date of decision: - 21.11.2019**

AMAR SINGH AND OTHERS

...Petitioner

Versus

STATE OF PUNJAB AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Preetwinder Singh Dhaliwal, Advcoate for the petitioners.

Mr. M. S. Nagar, AAG, Punjab.

Mr. Kuldeep Singh Siwach, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have filed this petition under Section 482 of Cr.P.C. for quashing of FIR No. 31 dated 31.03.2018 under Sections 452, 324, 323, 148 and 149 of IPC, registered at Police Station Rureke Kalan, District Barnala, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 31.05.2019 (Annexure P-3).

Learned counsel for the petitioners has brought to the notice of this Court that a compromise has been arrived at between the parties on 31.05.2019 and prays for quashing of the aforesaid FIR.

Learned counsel for the respondent No. 2 has stated that he has no objection, if the aforesaid FIR No. 31 dated 31.03.2018 under Sections 452, 324, 323, 148 and 149 of IPC, is quashed along with all subsequent proceedings arising therefrom.

The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs.***

State of Punjab and another, 2007(3) RCR (Criminal) 1052 and 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.

The Hon'ble Apex Court in the case of **Gian Singh Versus 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 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 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.”

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.***

In view of the above, the present petition is allowed and FIR No. 31 dated 31.03.2018 under Sections 452, 324, 323, 148 and 149 of IPC, registered at Police Station Rureke Kalan, District Barnala, along with all subsequent proceedings arising therefrom, is quashed qua petitioners.

(HARNARESH SINGH GILL)
JUDGE

21.11.2019

Mangal Singh