

**CRM-M-45595-2018,
CRM-M-33815-2018 and
CRM-M-41538-2019**

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

Date of Decision:13.01.2020

1. CRM-M-45595-2018

Vikrant Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

2. CRM-M-33815-2018 (O & M)

Nitish Kumar Rishi

... Petitioner

Versus

State of Punjab and another

... Respondents

AND

3. CRM-M-41538-2019

Sarabjit Singh and another

... Petitioner

Versus

State of Punjab and another

... Respondents

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CRM-M-41538-2019**

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Johny, Advocate for
Mr. Arvind Kashyap, Advocate,
for the petitioner in CRM-M-45595-2018 and
for respondent No.2 in CRM-M-33815-2018 and
CRM-M-41538-2019.

Mr. Gurmeet Singh, Advocate,
for the petitioners in CRM-M-33815-2018 and
CRM-M-41538-2019 and for
respondent No.2 in CRM-M-45595-2019.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

**CRM-584-2020 in
CRM-M-41538-2019**

Prayer in this application is for fixing the main petition for early hearing from the date fixed i.e. 25.03.2020, as the connected petition arising out of the same FIR, is fixed for today i.e. 13.01.2020.

For the reasons mentioned in the application, the same is allowed. The main petition is preponed for today itself and taken up for hearing.

**CRM-40753-2019 in
CRM-M-45595-2018**

Prayer in this application is for fixing the main petition for early hearing from the date fixed i.e. 25.03.2020.

For the reasons mentioned in the application, the same is allowed. The main petition is preponed for today itself and taken up for hearing.

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By this order, I intend to dispose of the above captioned petitions as they have arisen out of the same occurrence.

In CRM-M-45595-2018 filed by petitioners-Vikrant Singh and Manu Malhotra @ Vikas, a prayer has been made for quashing of FIR No.101 dated 22.06.2015, registered at Police Station Mukerian, District Hoshiarpur, under Sections 323, 324, 34 and 506 IPC, alongwith all the subsequent proceedings arising therefrom on the basis of compromise dated 21.07.2018 (Annexure P-3).

In CRM-M-33815-2018 filed by petitioner-Nitish Kumar Rishi, and in CRM-M-41538-2019, filed by petitioners-Sarabjit Singh and Benny Minhas, prayers have been made for quashing of report No.35 cross-case, under Sections 323, 324, 506, 427 and 34 IPC, arising out of the aforesaid FIR, on the basis of compromise dated 21.07.2018 (Annexure P-2 in CRM-M-33815-2018) and dated 19.09.2019 (Annexure P-2 in CRM-M-41538-2019), alongwith all the subsequent proceedings arising therefrom.

Vide orders dated 15.10.2018 passed in CRM-M-45595-2018, dated 08.08.2018 passed in CRM-M-33815-2018 and dated 27.09.2019 passed in CRM-M-41538-2019, the trial Court/Illaq Magistrate were directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

In compliance thereof, the requisite reports, vide letters dated 17.11.2018, 18.10.2018 and 01.11.2019, respectively, have been received which indicate that the parties appeared before the Magistrate and got

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recorded their respective statements with regard to the validity of the compromises. As per the reports, the compromises arrived at between the parties are genuine and without any pressure or coercion from any corner.

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

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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.***

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

Accordingly, all the petitions are allowed. FIR No.101 dated

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22.06.2015, registered at Police Station Mukerian, District Hoshiarpur, under Sections 323, 324, 34 and 506 IPC and report No.35 cross-case, under Sections 323, 324, 506, 427 and 34 IPC, arising out of the aforesaid FIR, and all the proceedings emanating therefrom are hereby quashed qua the petitioners on the basis of compromise dated 21.07.2018 (Annexure P-3 in CRM-M-45595-2018) and compromise dated 21.07.2018 (Annexure P-2 in CRM-M-33815-2018) and dated 19.09.2019 (Annexure P-2 in CRM-M-41538-2019), subject to depositing the total costs of Rs.30,000/- (Rs.10,000/- in each petition) by the petitioners with the Government Institute for the Blind in the concerned area.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

13.01.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No