

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

Date of Decision: 19.11.2020

(1) CRM-M-23850 of 2020

Satpal Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

(2) CRM-M-23864 of 2020

Gurpreet Kaur and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. L.S. Sidhu, Advocate for the petitioners in
CRM-M-23850 of 2020 and respondent No.2
in CRM-M-23864 of 2020

Mr. H.S. Sullar, DAG, Punjab.

Mr. Anureet Singh, Advocate for
Mr. Daljinder Singh, Advocate for petitioners
in CRM-M-23864 of 2020

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference
due to COVID-19 situation.

These two quashing petitions are filed under Section 482 of
Cr.P.C for quashing of two cross cases i.e. FIR No. 60 dated 2.7.2020
under Sections 323/324/34 IPC and later on added under Section 325/326
IPC registered at Police Station Ajitwal, District Moga and DDR No. 3
dated 3.7.2020 under Section 323, 324,34 IPC and later on added offence

under Section 326 IPC registered at Police Station Ajitwal, District Moga. The parties have compromised the matter.

As per record the matter was got compromised in the Panchayat as the parties are closely related being sons and grand sons of Sant Ram @ Santa Singh.

On 24.8.2020 this Court directed the parties to get their statements recorded before the trial Court/Illaqa Magistrate.

Report dated 8.9.2020 of Judicial Magistrate Ist Class, Moga, has been received. As per the report none of the accused in both the cases is declared proclaimed offenders. The compromise entered is genuine and the matter has been amicably settled without any pressure.

As per 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 noncompoundable 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 2 of 3 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.”

Considering that the FIR and DDR were between relatives, the matter has been compromised and parties have decided to live peacefully.

To meet the ends of justice and considering that the continuation of the proceedings will effect the steps of the parties to patch up the strained relations, the above mentioned FIR and DDR and all consequential proceedings arising therefrom are quashed.

[AVNEESH JHINGAN]
JUDGE

19th November, 2020

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |