

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24693-2020

DECIDED ON: 12th October, 2020

PARDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Baljeet Nain, Advocate for the petitioner.
Mr. Pankaj Mulwani, DAG, Haryana.
Mr. Satyawar, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

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

This is a petition under Section 482 of Cr.P.C for quashing FIR No. 156, dated 29th July, 2020 registered under Sections 323, 324, 341 and 34 of the Indian Penal Code, 1860 at Police Station Garhi, District Jind and all subsequent proceedings arising therefrom.

The FIR was at the instance of Sachin. It was alleged that on 27th July, 2020, he was going on motorcycle to his fields. Near the pond, Pardeep son of Randhir and Labh son of Brajbhan were standing. Pardeep hit the glass bottle on complainant's head, as a result he fell down. Both gave several blows and thereafter, fled away from the spot.

The matter was compromised between the parties. In the affidavit annexed with the petition, it is stated that there was a mis-understanding and injuries were received as the complainant had fallen down.

This petition is filed for quashing of FIR on the basis of

This Court vide order dated 27th August, 2020 directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and status report was sought.

In pursuance thereof, the Judicial Magistrate Ist Class, Jind has submitted a report dated 21st September, 2020 wherein, it is stated that the parties have entered into compromise of their own free will and volition and the same is genuine, voluntarily and without any coercion or undue influence.

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 non-compoundable 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.”

As the parties have arrived at compromise, considering nature and

gravity of allegations in FIR, it would not be fair and no useful purpose would be served in allowing the criminal proceedings to continue. The ends of justice would be met if the afore-said FIR and all subsequent proceedings arising therefrom are quashed.

Accordingly, this petition is allowed. FIR No. 156, dated 29th July, 2020 registered under Sections 323, 324, 341 and 34 of the Indian Penal Code, 1860 at Police Station Garhi, District Jind and all subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner.

12th October, 2020
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>