

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28756-2020 (O&M)
Date of Decision: 18.12.2020

Harchand Singh and others ...Petitioners

vs.

State of Punjab and another ...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Lokesh Vohra, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Ms. Suchi Sodhi, Advocate for respondents No.2 to 4.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 482 Cr.P.C., is for quashing of FIR No.177 dated 23.05.2020, registered under Sections 323, 324, 452, 506, 148 and 149 IPC, 1860, at Police Station Sohana, District SAS Nagar as well as all consequential proceedings arising thereto, on the basis of compromise, Annexure P/2, dated 12.06.2020.

3. Learned counsel contends that the petitioners and respondent No.2 are from the same village and have land adjacent to each other. However, due to misunderstanding, a scuffle ensued between the parties, over agricultural land resulting in three simple injuries being sustained by complainant / respondent No.2 i.e. on right hand, head and left bicep. However, both the parties i.e. petitioners and respondent No.2 have settled their differences amicably with the intervention of respectable members of

12.06.2020, as per which, respondent No.2 has stated that he has no objection if the aforementioned FIR is quashed for which he undertook to make a statement before the Court to support the petitioners for quashing of the FIR. Learned counsel further contends that the compromise effected amongst the parties is without any inducement, threat or coercion and out of the free will of the respondent complainant. Reliance has been placed by learned counsel on the decision of Hon'ble the Supreme Court in **Gian Singh vs. State of Punjab 2012 (4) RCR (Criminal) 543**. Relevant extract of the same is reproduced 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 pre-dominantly 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.”

4. Learned counsel has also relied upon the decision of this Court in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052, Nikhil Merchant v. Central Bureau of Investigation 2008 (4) RCR (Criminal) 102 (SC) and Jaswant Singh vs. Gurdial Singh 2007 (3) RCR (Criminal) 446 (P&H)**, in support of the

plea that on account of amicable settlement of the dispute between the parties, no purpose would be served by prolonging the litigation and that in the circumstances the FIR and all consequential proceedings arising thereto are liable to be quashed.

5. Vide order dated 21.09.2020, the parties were directed to put in appearance before the learned trial Court/ Illaqa Magistrate for recording of their statements, in furtherance of which, the parties appeared before the learned Chief Judicial Magistrate, SAS Nagar Mohali, on 15.10.2020 and both sides made statements that the matter had been compromised amongst them and in view of the statements of the parties, report dated 15.10.2020 was submitted that the compromise appeared to be genuine, voluntarily and without any pressure, there was no proclaimed offender in the case, none of the accused was involved in any other case. Learned State Counsel as well as learned counsel for the respondents have also supported the prayer of the petitioners for quashing of the FIR and all consequential proceedings and state that they have no objection to the quashing of the same on the basis of compromise Annexure P/2 dated 12.06.2020.

6. In view of the compromise between the parties, the possibility of conviction is remote and bleak. Consequentially, continuation of the criminal case against the accused despite full and complete settlement between the accused and victim would serve no purpose. Accordingly, in order to secure the ends of justice, it would be appropriate to put the criminal case to an end. In view of the position as noted above, there is no impediment in the way of the Court in exercising its inherent

proceedings, as no useful purpose would be served by prolonging litigation.

7. In the light of the position as noted above, FIR No.177 dated 23.05.2020, registered under Sections 323, 324, 452, 506, 148 and 149 of IPC, 1860, at Police Station Sohana, District SAS Nagar as well as all consequential proceedings arising thereto, are quashed.

8. Petition stands disposed of accordingly.

(B.S. Walia)
Judge

18.12.2020
'Rajesh-PS'

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