

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30049-2020

Date of Decision: 18.12.2020

Mandeep Singh and others ...Petitioners

vs.

State of Punjab and another ...Respondents

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

Present: Mr. Kamal Narula, Advocate for the petitioners.
Ms. Monika Jalota, DAG, Punjab.
Mr. Satbir Singh Gill, Advocate for Mr. Ajay Kamboj for
respondent No.2.

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.79 dated 19.06.2020 registered under Sections 341, 324, 323 and 34 IPC, 1860, to which Sections 379-B/325 of IPC were added later on, at Police Station Arniwala, District Fazilka as well as all consequential proceedings arising thereto, on the basis of compromise, Annexure P/2, dated 16.09.2020.

3. Learned counsel contends that petitioner No.1 nurtured a grudge in respect of an earlier dispute between the complainant and petitioner No. 1 although the same had been resolved by the panchayat due to which, petitioner No.1 and others beat up the complainant on 17.06.2020 and also snatched his gold chain. However, since the parties are residents of the same village, therefore due to intervention of respectable members of the village as well as the panchayat, the dispute has been amicably settled by

parties bore any ill-will towards the other and in view thereof, respondent No.2 expressed his no objection to the quashing of the FIR. Learned counsel has placed reliance on **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. Vide order dated 28.09.2020, the parties were directed to put in appearance before the learned trial Court/Illaq Magistrate for recording of their statements and in pursuance of said order, the parties appeared before the learned Judicial Magistrate 1st Class, Fazilka, on 04.11.2020 and both the parties suffered statements that with the intervention of respectable members of the village, they had entered into a compromise without any pressure or coercion, out of their own free will. On the basis of statement of the parties, the learned Judicial Magistrate 1st Class, Fazilka, has expressed satisfaction that the compromise amongst the parties is genuine, voluntary and without any coercion or undue influence, that the accused persons were

offender.

5. Learned State counsel as well as learned counsel for respondent No.2, have also supported the prayer of the petitioners and state that they have no objection to the quashing of the aforementioned FIR and all consequential proceedings arising thereto on the basis of compromise Annexure P/2 dated 16.09.2020.

6. In view of the position as noted above as well as compromise, Annexure P/2 dated 16.09.2020 amongst the parties besides report of the learned Chief Judicial Magistrate, Fazilka dated 05.11.2020, 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 power under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings, as no useful purpose would be served by prolonging litigation.

7. In the light of the position as noted above, FIR No.79 dated 19.06.2020 registered under Sections 341, 324, 323 and 34 of IPC, 1860, to which Sections 379-B/325 of IPC were added later on, at Police Station Arniwala, District Fazilka as well as all consequential proceedings arising thereto, are quashed.

8. Petition stands disposed of accordingly.

(B.S. Walia)
Judge

18.12.2020