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

CRM-M-32182-2020

Date of Decision: 19.11.2020

Gurpreet Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Puneet Sharma, Advocate for the petitioners.
Mr. H.S. Sullar, DAG, Punjab.
Mr. Amit Jain, Advocate for Mr. Jagmeet Singh, Advocate for
the 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 for quashing of FIR No.4, dated 12.01.2020
under Sections 324, 323, 148, 149 and 326 (added later on) of the Indian
Penal Code, 1860 registered at Police Station Dharamgarh, District
Sangrur, on the basis of compromise.

Vide order dated 12.10.2020, the parties were directed to
appear before appear before the trial Court/ Illaqa Magistrate to get their
statement recorded. The report dated 4.11.2020 is received from the Civil
Judge (Jr. Division)-cum-Judicial Magistrate, 1st Class, Sunam (Sangrur).
The relevant portion of the report is reproduced :-

*“4. After recording the statements and after pursuing the
record, it transpires that the compromise has been
effected between the parties, which seems to be genuine,*

voluntary and without any pressure, coercion or undue influence. Complainant/respondent, injured persons and petitioners/ accused appeared and got their statement recorded regarding compromise. It is further submitted that none of the accused has been declared proclaimed person. There are total six accused arrayed in this FIR. The report along with the copies of the statements of the parties is submitted accordingly.”

Learned counsel for the private respondent has no objection for quashing of FIR.

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.”

panchayat and the petitioner had been given punishment of fine of Rs.2,00,000/- as per compromise, the continuation of proceedings in pursuance of FIR would only prove as blocking stones in the attempt of the parties and *panchayat* for peaceful lives of the parties. To meet the ends of justice, FIR mentioned above and consequential proceedings arising therefrom are quashed.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

19th November, 2020

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |