

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

CRM-M-34256-2020
Date of decision: 23.12.2020

Gurjant Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Neeraj Madaan, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. AG, Punjab.
Mr. Vaibhav Nagori, Advocate, for respondent No.2.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

Vide this petition under Section 482 of Criminal Procedure Code, petitioners have prayed for quashing of FIR No.154, dated 21.11.2019, under Sections 452, 323, 148 & 149 IPC, registered at Police Station Vairoke, District Fazilka (Annexure P1), for the dispute between the parties stands resolved and a compromise in this regard dated 16.10.2020 (Annexure P2) has since been effected.

Accordingly, pursuant to an order dated 28.10.2020, passed by this Court, the Illaqa Magistrate/trial Court, after recording the statements of the parties qua the execution and veracity of the alleged compromise, was required to submit a report. The report dated 11.12.2020 has since been furnished by the Judicial Magistrate Ist Class, Jalalabad(W):

“I have recorded the statement of Complainant-injured i.e. Kulwant Singh aged about 26 years son of Resham Singh, resident of Gumani wala Khu (Chak Balocha), Tehsil Jalalabad District Fazilka, he stated

that I have compromised the matter with the accused persons in FIR No.154 dated 21.11.2019, under Section 452/323/148/149 of IPC, P.S. Vairo Ke. He further stated that compromise has been effected is genuine, voluntary and without any coercion or undue influence. Complainant party has been duly identified by Sh. Sandeep Kumar Jhamb, Advocate and investigating officer. Separate statement of accused persons has also been recorded in this regard, which is countersigned by Sh. Paramjit Dhaban, Advocate. Further statement of ASI Lakhmir Singh no.967/FZK, P.S. Vairo Ke has also been recorded. He stated that the above said FIR is registered on the statement of complainant Kulwant Singh. The FIR is registered against five persons namely Ramesh Singh @ Harmesh Singh, Gurjant Singh, Jagdish Singh sons of Karnail Singh, Karnail Singh son of Macchi Singh and Bachno Bai wife of Karnail Singh and investigation is still pending. He also stated that no other FIR is registered or pending against all or any of the accused persons except the present one. None of the accused is proclaimed offender. During investigation of the present case, accused Harmesh Singh son of Karnail Singh resident of village Gumani wla Khu (Chak Balocha) Tehsil Jalalabad, District Fazilka has expired, he is also known as Ramesh Singh. He produced the attested photocopy of death certificate dated 05.05.2020 under his endorsement. He identified the complainant Kulwant Singh and accused persons namely Gurjant Singh, Karnail Singh, Jagdish Singh and Bachno Bai.

Undersigned has also questioned the complainant and accused persons about the veracity & genuineness of compromise and the undersigned is of the view that matter has been compromised

voluntarily without any pressure & coercion upon complainant and same is genuine. Hence, the report is submitted.”

Learned counsel for the respondents submit that in the given circumstances, they have no objection if the FIR in question is quashed.

In the wake of the above, it would be apposite to refer to the observations recorded by the Supreme Court in **Madan Mohan Abbot v. State of Punjab, 2008(4) SCC 582**; *wherein it was held that in disputes where the question involved is of a purely personal in nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings for keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford*, no useful purpose would be served in continuing with the proceedings:

“5. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out. We need to

emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law. We see from the impugned order that the learned Judge has confused a compounding of an offence with the quashing of proceedings. The outer limit of Rs.250/- which has led to the dismissal of the application is an irrelevant factor in the later case. We accordingly allow the appeal and in the peculiar facts of the case, direct that FIR No.155 dated 17th November 2001 P.S. Kotwali, Amritsar and all proceedings connected therewith shall be deemed to be quashed.”

Likewise, the Supreme Court even in Gian Singh v. State of Punjab & Anr., 2012(10) SCC 303, held that where offences are purely private in nature and do not concern public policy, the power to quash proceedings involving non-compoundable offences on the basis of compromise can be exercised.

On conspectus of the position as indicated above, and the position of law expounded by the Supreme Court in Madan Mohan Abbot and Gian Singh (supra), the petition is allowed. Accordingly, FIR No.154, dated 21.11.2019, under Sections 452, 323, 148 & 149 IPC, registered at

Police Station Vairoke, District Fazilka and all subsequent proceedings arising therefrom are quashed.

23.12.2020
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO