

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38323-2020 (O&M)

Date of decision: 02.12.2020

Anmol Goyal and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. S.S. Cheema, AAG, Punjab.

Mr. Padamkant Dwivedi, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J.

The petitioners have prayed for quashing of FIR No.0069 dated 22.04.2017 for the offences punishable under Sections 420, 120-B of the Indian Penal Code ('IPC' for short), registered at Police Station Doraha, District Khanna in view of the settlement/agreement (Annexure P-2) dated 04.07.2019, which was arrived at between the parties before the Mediation and Conciliation Centre of this Court during pendency of CRM-M-16265-2019 and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners has referred to Clause 5 (i) of the settlement/agreement, which is reproduced as under: -

“The first party as a full and final settlement of the dispute with

second party has agreed to pay an amount of Rs.4,80,000/- (Four lacs eighty thousand only). Besides the payment of above Rs.4,80,000/-(Four lacs eighty thousand only) the second party shall not claim any other amount from the first party or any other official/director of the company of the first party.”

Learned counsel for the petitioners submits that since it has been agreed between the parties that second party i.e. the complainant shall not claim anything against Mohit Goyal (petitioner in CRM-M-16265-2019) or any other official or director of company Ringing Bells Private Limited. It is further submitted that present petitioners are also directors of the company, in which Mohit Goyal was also one of the director.

Learned State counsel as well as learned counsel for complainant Pawan Kumar, who has filed his power of attorney through video conferencing, have not disputed the aforesaid facts.

Learned counsel for the complainant has acknowledged that as per the settlement/agreement dated 04.07.2019 arrived at between the parties before the Mediation and Conciliation Centre of this Court in the aforesaid petition, the entire dispute stands settled between the parties.

I have heard learned counsel for the parties and perused the case file.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, it is held that the 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 feel that the same was required to prevent the abuse of the process of law or otherwise to 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 (Criminal) 543**, has held as under:-

“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 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.”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove and the fact that impugned FIR qua one of the accused Mohit Goyal has already been quashed vide order dated 17.07.2019 passed in CRM-M-16265-2019, in which settlement/agreement was accepted by the parties, present petition is allowed and FIR No.0069 dated 22.04.2017 under Sections 420, 120-B IPC, registered at Police Station Doraha, District Khanna and all the subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.

[ARVIND SINGH SANGWAN]
JUDGE

02.12.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No