

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-35782 of 2019

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Date of decision:23.01.2020

Balvir Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

.....

(2) Criminal Misc. No.M-35784 of 2019

.....

Gurmail Singh and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

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Present: Mr. Karanjeet Singh Brar, Advocate for the petitioners in Cr. Misc. No.M-35782 of 2019 and for respondents No.2 to 7 in Cr. Misc. No.M-35784 of 2019.

Mr. Rajat Dogra, Advocate for the petitioners in Cr. Misc. No.M-35784 of 2019 and for respondents No.2 to 4 in Cr. Misc. No.M-35782 of 2019.

Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab for the respondent-State.

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Ashok Kumar Verma, J.

This order will dispose of the above mentioned two criminal

miscellaneous petitions i.e. Criminal Misc. No.M-35782 of 2019 filed under Section 482 Cr.P.C. for quashing of FIR No.55 dated 02.04.2017 registered for the offences under Sections 323, 148, 149 IPC and (Section 325 IPC, which was added later on) at Police Station Nehianwala, District Bathinda and Criminal Misc. No.M-35784 of 2019 filed for quashing of Rapat No.21 dated 04.04.2017 registered for the offences under Sections 323, 324 and 34 IPC in FIR No.55 dated 02.04.2017 and all other subsequent proceedings arising therefrom on the basis of compromise.

The FIR and the Rapat were got registered against each other by the petitioners of both the petitions as dispute arose as a result of fight between the parties in which injuries were received by both the parties. This is a case of version and cross-version. Now with the intervention of respectable persons, both the parties have arrived at an amicable settlement and have effected a compromise. They are now willing to live peacefully and bury the hatchet.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Judicial Magistrate Ist Class, Bathinda has sent two reports dated 19.09.2019 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainants of both the sides stated that compromise has been arrived at with the accused-petitioners voluntarily and without any pressure from any side and they have no objection if the above

FIR and Rapat are quashed.

Learned State counsel, on instructions from the Investigating Officer and learned counsel for complainants admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the above FIR and Rapat in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for complainants-respondents and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543**, has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases 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 personnel in nature and the parties have resolved their entire dispute even though they are not

compoundable. In Para 57 of the judgment, the Hon'ble Supreme Court has observed 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.”

In view of above law laid down by the Hon'ble Supreme Court, the present case does not fall in anyone of the exceptions carved out above. Therefore, after going through the reports dated 19.09.2019 of the Judicial Magistrate Ist Class, Bathinda, this Court feels that no useful purpose would be served by keeping the proceedings alive. It will be in the interest of justice, if the settlement reached at between the parties is accepted.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down in **Gian Singh v. State of Punjab and another** (supra), these petitions are allowed. FIR No.55 dated 02.04.2017 registered for the offences under Sections 323, 148, 149 IPC and (Section 325 IPC, which was added later on) at Police Station Nehianwala, District Bathinda and Rapat No.21 dated 04.04.2017 registered for the offences under Sections 323, 324 and 34 IPC in FIR No.55 dated 02.04.2017 and all other subsequent proceedings arising out of the same are hereby quashed qua the petitioners in both the petitions.

January 23, 2020.

(Ashok Kumar Verma)
Judge

hsp

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