

CRM-M-52873-2019
CRM-M-52878-2019

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

Date of Decision:13.01.2020

1. CRM-M-52873-2019

Ramneet Singh

... Petitioners

Versus

State of Punjab and others

... Respondents

AND

2. CRM-M-52878-2019

Ramneet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner in both the petitions.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Ankit Wadhwa, Advocate,
for respondents No.2 and 3 in both the petitions.

HARNARESH SINGH GILL, J.(Oral)

By this order, I intend to dispose of CRM-M-52873-2019, titled

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2019, titled as 'Ramneet Singh Vs. State of Punjab and others', as in both these petitions, prayers have been made for quashing of complaint No.73 dated 15.02.2011 (Annexure P-2 in CRM-M-52873-2019), filed under Sections 307, 279, 337, 338, 34 and 120-B IPC, pending in the Court of learned Judicial Magistrate, Amritsar, and for quashing of FIR No.462 dated 21.10.2010, registered at Police Station Civil Lines, District Amritsar City, under Sections 279, 337, 338 and 34 IPC, respectively, on the basis of compromise dated 05.12.2019 (Annexure P-1 in both the petitions), alongwith all the subsequent proceedings arising therefrom.

At the very outset, it would be apposite to mention here that the aforesaid FIR was initially registered on the statement of respondent No.2- Vikram Chugh. However being dissatisfied with the police inaction against the culprits, complainant-respondent No.2 had filed a criminal complaint against petitioner-Ramneet Singh, Pavneet Singh and Jas wife of Paramjit Singh. On the basis of evidence led by the complainant in the complaint case, the learned Judicial Magistrate Ist Class, Amritsar, had summoned the petitioner only to face the trial for the offences under Sections 307, 279, 337 and 338 IPC.

Learned counsel for the petitioner submits that the matter has been amicably settled between the parties.

Learned counsel for respondents No.2 and 3 does not dispute the factum of compromise between the parties, and thus, respondents No.2 and 3 do not wish to pursue the present criminal proceedings and they have

no objection, if the present petitions are allowed.

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The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and Hon'ble Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102*** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

Undisputedly, the offence punishable under Sections 279 and 307 IPC are non-compoundable, however, considering the facts and circumstances of the case and in exercise of the inherent powers under Section 482 Cr.P.C., this court has power to accept the compromise. This issue has been decided by the Constitution Bench of the Supreme Court in the case titled as ***Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 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.

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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 personnel 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.”

The same view has been reiterated by Hon'ble the Apex Court in case ***Narinder Singh and others Vs. State of Punjab and another, 2014 (2) RCR (Criminal) 482.***

The offence punishable under Sections 279 and 307 IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an

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end and peace is restored, it can be order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

Adverting to the facts of present case, the parties have mutually settled their dispute and have buried the hatchet. Though as per the procedure, the parties were to be relegated to the learned trial Court for recording their respective statements in support of the compromise arrived at between them, yet keeping in view fact that learned counsel for respondents No.2 and 3 does not dispute the factum of compromise and further the counsel for the parties state that the petitioner is not a previous convict and has not been declared proclaimed offender, I find that it is a fit case to exercise the powers under Section 482 Cr.P.C. and no useful purpose would be served in allowing the criminal proceedings to continue.

In view of the law discussed above, considering the settlement arrived at between the parties, I am of the considered opinion that the matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, both the petitions are allowed. Complaint No.73 dated 15.02.2011 (Annexure P-2 in CRM-M-52873-2019), filed under Sections 307, 279, 337, 338, 34 and 120-B IPC, pending in the Court of learned Judicial Magistrate, Amritsar, and FIR No.462 dated 21.10.2010, registered at Police Station Civil Lines, District Amritsar City, under Sections 279, 337, 338 and 34 IPC, and all the subsequent proceedings arising therefrom, are quashed qua the petitioner on the basis of compromise

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dated 05.12.2019 (Annexure P-1 in both the petitions), arrived at between the parties, subject to his depositing the costs of Rs.20,000/- with the Government Institute for the Blind in the concerned area.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

13.01.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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