

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1317 of 2021
Date of decision : 27.05.2021

Ramesh Chand Garg and othersPetitioners

Versus

State of Haryana and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Ram Bilas Gupta, Advocate for the petitioners.
Mr. Naveen Kumar Sheoran, DAG, Haryana.
Mr. Rajesh Bansal, Advocate for respondent Nos.2 to 4.

B.S. Walia, J.

1. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.470 dated 14.09.2020, registered under Sections 120-B, 406, 420 & 506 IPC at Police Station Sector 7, District Faridabad, along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 18.12.2020.

2. Learned counsel contends that the aforementioned FIR was got registered by respondent No.2 due to monetary dispute with the petitioners but the money had been returned by the petitioners to the complainants and with the intervention of respectable persons of the society, an amicable settlement by way of compromise, Annexure P/2 dated 18.12.2020 had been arrived at and as a consequence thereof, none of the parties harbored any grudge against the other. Learned Counsel contends that in order to maintain peace, harmony and cordial relations amongst the parties, respondent Nos.2 to 4 have no objection, if the FIR in question along with all consequential proceedings emanating therefrom are quashed qua the petitioners.

3. Vide order dated 12.01.2021, the parties had been directed to put in appearance before the learned Ilqa Magistrate / Duty Magistrate, concerned on 22.01.2021 for recording of their statements in terms of compromise Annexure P-2 dated 18.12.2020. Pursuant to the recording of statement of the parties, report has been submitted by the learned Judicial Magistrate, 1st Class, Faridabad that the complainants as well as accused had suffered statements that the dispute amongst the parties had been amicably resolved and a compromise entered into without any force, fear or pressure with the intervention of respectable members of the society, and as a consequence thereof the parties bore no grudge against each other and the complainants did not have any objection, if the proceedings of the case qua the petitioners i.e. Ramesh Chand Garg, Anita Garg, Saurabh and Hukum Chand Garg, were quashed. In the circumstances, the learned Judicial Magistrate, 1st Class, Faridabad, has recorded that he was of the considered opinion that the parties had voluntarily entered into a genuine compromise without any undue influence, coercion or pressure, that as per the statements of the accused, as also of the Investigating Officer, none of the accused had been declared as a proclaimed offender, challan had been filed under Sections 406, 420, 506, 120-B IPC and Section 3 HPIDFE Act only against 03 other co accused i.e. Manoj Kumar, Punit Goyal and M/s Piyush Infrastructure India Private Limited but not against the petitioners, besides there was no cross case between the parties.

4. Learned counsel for the parties are *ad idem* that in view of the amicable settlement of the dispute, recording of statements of the parties to the above effect by the learned Judicial Magistrate, 1st Class, Faridabad, as well as well settled law, the FIR in question and all consequential proceedings emanating therefrom be quashed. Learned counsel have relied

upon the decision of Hon'ble the Supreme Court in '***Gian Singh versus State of Punjab and another, 2012 (4) RCR (Criminal) 543*** in support of their plea. Relevant extract of the same is reproduced 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 flavor 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.”

5. Reliance has also been placed on the decision of Hon’ble the Full Bench of this Court in ‘**Kulwinder Singh and Others versus State of Punjab and Others**’ 2007(3) RCR (Crl.) 1052. Relevant extract of the same is reproduced as under:-

39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces

friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

6. I have considered the submissions of learned counsel for the parties and perused the case file. The dispute between the parties was predominantly *personal in nature on account of the same pertaining to a financial dispute, besides the parties have resolved their entire dispute. In* view of the compromise, Annexure P-2 dated 18.12.2020, statements of the parties recorded by the learned Judicial Magistrate, 1st Class, Faridabad, besides reports submitted by the learned Judicial Officer and no objection of the complainants to the quashing of the FIR as well as all consequential proceedings arising therefrom qua the petitioners, the likelihood of

conviction of the petitioners in the case is remote, consequently, continuation of the criminal case against the petitioners despite full and complete settlement between the parties, would not serve any useful purpose. In the circumstances, the ends of justice would be met if the criminal case is put to an end.

7. Accordingly, in view of the position noted above, the present petition is ***allowed***. FIR No.470 dated 14.09.2020, registered under Sections 120-B, 406, 420 & 506 IPC at Police Station Sector 7, District Faridabad, along with all consequential proceedings emanating therefrom qua the petitioners are quashed.

May 27, 2021
Rajneesh'

(B.S. Walia)
Judge

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>