

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

CRM-M No.2082 of 2021
Date of Decision : 03.06.2021.

Gamdoor Singh and othersPetitioners

v/s

State of Punjab and anotherRespondents

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

Present: Mr. C.S. Jattana, Advocate for Mr. Daljeet Singh Virk,
Advocate the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Jashandeep Singh Sandhu, Advocate for Mr. A.S. Brar,
Advocate for respondent No. 2.

B.S. Walia, J.

Case is being taken up for hearing through Video Conferencing
due to Covid-19 pandemic.

[1] Prayer in the petition under Section 482 Cr. P.C. is for quashing
of FIR No.129 dated 20.11.2017 registered under Sections 447/511/506/148 &
149 IPC at Police Station Sadar, Faridkot, District Faridkot and all
consequential proceedings emanating therefrom on the basis of compromise
(Annexure P-2) dated 12.12.2020.

[2] Learned counsel contends that the aforementioned FIR was
registered at the instance of respondent No.2 on account of alleged interference
by the petitioners in the property of the complainant contrary to the family
partition, as also of threat to take over the possession of his land etc but now
with the intervention of relatives and respectable persons of the village /

(Annexure P-2) dated 12.12.2020 and respondent No.2 had agreed to withdraw the FIR as also to make a statement for quashing of the FIR.

[3] While noticing the amicable settlement of the dispute between the parties as also the stand of the learned State Counsel, that he did not wish to file reply in view of the dispute having been resolved, besides stand of learned counsel for respondent No.2 that he had no objection, if the FIR and all consequential proceedings, emanating therefrom were quashed in view of compromise (Annexure P-2) dated 12.12.2020, parties were directed to put in appearance before the learned Illaqa Magistrate/District Magistrate concerned on 03.02.2021 for recording of their statements and the learned trial Court/Illaqa Magistrate was directed to submit a report in respect thereto on or before the next date.

[4] Pursuant to the order of this Court dated 25.01.2021, statement of the petitioners as well as respondent No.2 were recorded by the learned Addl. Chief Judicial Magistrate, Faridkot and report in respect thereto was forwarded to this Court on 04.02.2021 mentioning therein that on enquiry conducted by Shri Jastinder Singh Dhaliwal, the then DSP, Faridkot, accused Lovepreet Singh son of Gursharan Singh had been exonerated, challan presented against the petitioners and one Dharampreet Singh, no other person had been nominated to face trial as accused, that none of the accused was a proclaimed offender / absconder in the case, that the case was at the stage of prosecution evidence, that application under Section 311 Cr.P.C. and 319 Cr.P.C., as also for directing accused Dharampreet Singh, Baljinder Singh, Gurinder Singh to surrender their passports had been filed, that the matter was fixed for consideration on the same, that there was no cross case pending in the matter, and that from the statement of the complainant-respondent No.2, as well as his

compromised with the accused without any coercion or undue influence and the compromise was genuine.

[5] It needs noticing here that the parties are closely related to each other, and due to intervention of respectable persons as well as close family members, the dispute has been amicably resolved vide compromise (Annexure P-2) dated 12.12.2020, as per the terms and conditions agreed therein and the parties have decided to get the aforementioned FIR and all consequential proceedings, emanating therefrom quashed, besides learned State Counsel as well as learned counsel for complainant-respondent No.2 have also supported the prayer of the petitioners and state that they have no objection, if the aforementioned FIR and all consequential proceedings, emanating therefrom are quashed in view of complete settlement of the dispute between the parties, with the intervention of close relatives and respectable persons of society.

[6] Learned Counsel have referred to the decision of Hon'ble the Supreme Court in ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543*** as well as Hon'ble the Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052***. Relevant extract of the decision in ***Gian Singh's case (supra)*** 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 predominatingly 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.”

Likewise, relevant extract of the decision in ***Kulwinder Singh’s case (Supra)*** 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.

[7] In the circumstances, in view of compromise (Annexure P-2) dated 12.12.2020, statement of parties recorded by the learned Additional Chief Judicial Magistrate, Faridkot, as well as report submitted by the learned Judicial Officer, the possibility of conviction of the petitioners in the case is remote and bleak. Consequently, continuation of the criminal case against the accused persons i.e. the petitioners despite full and complete settlement between the parties would serve no purpose. Moreover, the parties are closely related to each other as brothers, parents etc of respondent No.2. Accordingly, in order to maintain the sanctity of the family relationship, to enable the parties to start live afresh on account of their having buried the hatchet, as also to secure the ends of justice, it would be appropriate to put an end to the criminal case.

[8] In view of the position as noted above, there is no impediment to this Court exercising its inherent powers under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings emanating therefrom, as no useful purpose would be served by prolonging the litigation. Accordingly, in the light

of the position noted above, FIR No.129 dated 20.11.2017, registered under Sections 447/511/506/148 & 149 IPC at Police Station Sadar, Faridkot, District Faridkot and all consequential proceedings emanating therefrom are quashed.

[9] Parties are directed to adhere to the terms and conditions of compromise, Annexure P-2 dated 12.12.2020. Failure to adhere to the same would not only render the defaulting party liable for proceeding under the Contempt of Courts Act, 1971 but would also entitle the aggrieved party to take out appropriate proceedings in respect thereto, in accordance with law.

[10] Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

03.06, 2021.
'Rajneesh'

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