

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201A

CRM-M No.3802 of 2021

Date of Decision: 16.09.2021

Palwinder Singh and others

....Petitioners

VERSUS

State of Punjab and anothe

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepak Arora, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG Punjab for respondent no.1.

Mr. G.S. Rawat, Advocate for respondent no.2.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of DDR No.20 dated 24.09.2020 registered for offences under Sections 326, 324, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station Ghuman, Police District Batala in FIR No.232 dated 22.08.2020 registered under Sections 451, 427, 148 and 149 IPC at Police Station Ghuman, Police District Batala and all subsequent proceedings arising out of the said FIR, on the basis of compromise Annexure P-3.

On 16.02.2021, the following order was passed:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Service is complete.

Counsel for respondent No.2 has admitted the factum of compromise between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 25.05.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 03.08.2021.”

Report dated 23.07.2021 has been received from the Judicial Magistrate First Class, Batala wherein it has been stated that statements of the parties have since been recorded and that the compromise is genuine and has been entered into without any pressure, coercion and undue influence. In the statement of the complainant, Palwinder Singh, he has clearly stated that he has no objection if the present FIR is quashed.

The Apex Court in the case of “**Gian Singh V/s State of Punjab**

& Anr.” 2012 (10) SCC 303, 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. 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-dominatingly 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.”

Learned counsel for the petitioner has also referred to the law

laid down by this Court in “Kulwinder Singh & Ors. vs. State of Punjab & Anr.” 2007 (3) RCR (Criminal) 1052, wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC. to quash the proceedings to prevent abuse of law and secure the ends of justice.

In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue the criminal proceedings.

Resultantly, DDR No.20 dated 24.09.2020 registered for offences under Sections 326, 324, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station Ghuman, Police District Batala in FIR No.232 dated 22.08.2020 registered under Sections 451, 427, 148 and 149 IPC at Police Station Ghuman, Police District Batala as well as all the subsequent proceedings arising there-from, stand quashed.

The petition is accordingly allowed.

(ALKA SARIN)
JUDGE

16th September, 2021
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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO