

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.8035 of 2021

Date of Decision: 16.09.2021

Surinder Singh @ Chhinda and another

....Petitioners

VERSUS

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ravinder Malik Ravi, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG Haryana for respondent no.1.

Mr. Sarthak Singhal, 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 FIR No.298 dated 04.06.2020 registered under Sections 406, 420 of the Indian Penal Code, 1860 (Sections 370, 195A, 506 IPC, Section 12 of the Passport Act, 1967 and Sections 10, 24, 25 of the Emigration Act, 1983 were added later on) at Police Station Pehowa, District Kurukshetra and all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 12.02.2021 (Annexure P-2).

On 12.07.2021, the following order was passed:-

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

Application under Section 482 Cr.P.C. is for granting one more opportunity to the parties for getting their statements recorded before the learned trial court/Illaq Magistrate.

Learned counsel contends that the parties could not appear before the learned trial Court/Illaq Magistrate in terms of order dated 19.02.2021, for getting their statements recorded with regard to the compromise on account of circumstances beyond their control, therefore, the present application praying for one more opportunity for recording of statements of the parties in terms of order dated 19.02.2021.

Notice of the application to the counsel for the non-applicants.

Mr. Pawan Kumar Longia, DAG, Haryana, accepts notice on behalf of non-applicant/respondent No.1 whereas Mr. Sarthak Singhal, Advocate accepts notice on behalf of non-applicant/respondent No.2 and state that they have no objection to the prayer of learned counsel for the petitioners.

Accordingly, in view of the statements of learned counsel for the parties, the application is allowed. Parties are directed to put in appearance before the learned Illaq Magistrate/ Duty Magistrate concerned for recording of their statements in terms of compromise, Annexure P-2 dated 12.02.2021 on 29.07.2021 or any other date thereafter, convenient to the learned Illaq Magistrate/ Duty Magistrate concerned.

After recording statement of the parties, report be submitted before this Court on or before the date fixed i.e. 01.09.2021.”

Report dated 09.08.2021 of the Sub Divisional Judicial Magistrate, Pehowa has been received by this Court wherein it has been stated that the statements of the parties have been recorded and the parties have stated that they have compromised the matter with the intervention of the respectables of the society and that the complainant has no objection to

the quashing of the present FIR. Statements of the parties have also been appended with the report.

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-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.”

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, FIR No.298 dated 04.06.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (Sections 370, 195A, 506 IPC, Section 12 of the Passport Act, 1967 and Sections 10, 24, 25 of the Emigration Act, 1983 were added later on) at Police Station Pehowa, District Kurukshetra is quashed, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 12.02.2021 (Annexure P-2).

The petition is accordingly allowed.

**(ALKA SARIN)
JUDGE**

**16th September, 2021
jk**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO