

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

**214**

**CRM-M-14046-2021  
Date of Decision: 09.11.2021**

**GANESH @ GANESH M.C. AND ORS**

**....Petitioners**

Versus

**STATE OF PUNJAB AND ORS**

**....Respondents**

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**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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**Present:** Mr. Daman Jeet Bhoriwal, Advocate  
for the petitioners.

Ms. Gurkirat Kaur, AAG, Punjab

Mr. Jaswinder Singh Waraich, Advocate  
for respondents No.2 and 3.

**VINOD S. BHARDWAJ, J.(Oral)**

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This is a petition filed under Section 482 Cr.P.C. seeking quashing of FIR No.19 dated 15.02.2021 under Sections 452, 341, 323, 506, 427, 148, 149 and 171-E IPC registered at Police Station City-I, Abohar, District Fazilka and all other consequential proceedings arising therefrom, on the basis of compromise dated 16.03.2021 (Annexure-P/2) arrived at between petitioners and respondents No.2 and 3.

Vide order dated 29.07.2021, this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 09.09.2021 or on any subsequent date to be fixed by the Trial Court for getting

their statements recorded with regard to the compromise and further directed to the Illaqa Magistrate/Trial Court to submit the report.

An extract of the order passed by this Court on 29.07.2021 is reproduced as under:

“Counsel for the petitioners submits that the impugned FIR is an outcome of a fight, which took place at the time of Municipal Council elections. He submits that the dispute is purely personal in nature and has been settled between the parties by virtue of compromise (Annexure P-2). Still further, he submits from a perusal of the impugned FIR, offence under Section 171-E IPC is not made out. Counsel has referred to para 9 of the petition to submit that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of State-respondent No.1 and has fairly conceded that Section 171-E IPC is not attracted. Mr. Jaswinder Singh Waraich, Advocate has put in appearance and accepts notice on behalf of respondents No.2 and 3. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 09.09.2021 or on any subsequent date to be fixed by the trial Court 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.”

Pursuant to the directions above, the report bearing No. 822 dated 01.10.2021 has been submitted by Sub Divisional Judicial Magistrate, Abohar and its operative part reads as under:-

- “(i) In the present case as per statement of Investigating Officer, the present FIR has been registered against nine accused. All accused appeared in the Court and statement of all accused qua compromise has been recorded and none of accused has declared as proclaimed offender in the present FIR.
- (ii) In the present case as per statement of Investigating Officer Mani Ram is the complainant and Mani Ram and Bhupinder Kumar are the injured of present case.
- (iii) As per report of Ahlmad, challan in the present case has not been presented till date.
- (iv) In the said back ground keeping in view the statements so suffered by the complainant, injured person as well as accused persons, it seems that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence.
- (v) In the present case as per statement of Investigating Officer, no any other criminal case is pending against the accused persons in the present case.”

It is thus, apparent that the parties have undertaken the compromise out of their own free will without any influence or coercion. The settlement is genuine.

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.

An identical question came to be decided by Hon'ble Supreme Court in case **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543**. Having interpreted the relevant provisions, it was ruled 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 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.”*

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

Having regard to the contentions of learned counsel for the parties and the fact that both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 482 Cr.P.C. has been filed for quashing the present FIR. The compromise has been arrived at with the intervention of the respectables and family members and the parties have decided to keep harmony between them and to live peacefully in future. Hence, it would be in the interest of justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are *ad idem* that, in

view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

In view of above, the instant petition is accepted. Consequently, FIR No.19 dated 15.02.2021 under Sections 452, 341, 323, 506, 427, 148, 149 and 171-E IPC registered at Police Station City-I, Abohar, District Fazilka and all other consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, qua petitioner only.

**09.11.2021**  
*Vishal sharma*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

Whether speaking/ reasoned : Yes/ No  
Whether Reportable : Yes/ No