

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

**CRM-M-23955-2021**

**DECIDED ON: 20<sup>th</sup> August, 2021**

**Balwinder Singh and another**

**.....PETITIONERS**

**VERSUS**

**State of Punjab and others**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Ms. Monika Tanwar, Advocate for petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Ms. Vijay Lakshmi, Advocate for respondents No. 2 and 3.

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**AVNEESH JHINGAN, J (ORAL)**

(1) The matter is taken up for hearing through video conference due to COVID-19 situation.

(2) The present petition is filed for quashing of FIR No. 139 dated 12.6.2020 under Sections 447, 427, 506, 34 IPC, 1860, registered at Police Station Lopoke Distrcit Amritsar on the basis of compromise between the petitioners and respondent No. 2 and 3 and all subsequent proceedings arising therefrom

(3) The FIR was at the instance of Kashmir Singh. As per the allegations, the complainant owned 14 kanal land next to the street from Chugawa to Amritsar bound street at Raqba at village Khiyala Khurd, Tehsil Ajnala. Beant Singh, Balwinder Singh and others had forcibly cultivated the land of the complainant and tried to take possession.

(4) With the intervention of respectables, parties compromised the matter, hence this petition was filed for quashing of FIR and all subsequent proceedings arising therefrom.

(5) On 5.7.2021, the parties were directed to appear before the trial Court for getting their statement recorded.

(6) A report dated 4.8.2021 is received from the Judicial Magistrate First Class, Ajnala stating that compromise is genuine, without any pressure or coercion. It is further stated that none of the parties, as on date, is Proclaimed Offender.

(7) The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** has expounded principles governing the exercise of powers under Section 482 of Cr.P.C. The relevant portion is reproduced as under:-

*“15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :*

*(i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;*

*(ii) The invocation of the jurisdiction of the High Court*

*to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*

*(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise*

*of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would*

*justify the exercise of the inherent power;*

*(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of*

*the process of any court;*

*(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;*

*(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as*

*murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;*

*(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;*

*(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for*

*quashing where parties have settled the dispute;*

*(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and*

*(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the*

*state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”*

*(emphasis supplied)*

(8) There is compromise between the parties. The parties belong to same village. The dispute relates to land. Parties have resolved the issue and decided to live peacefully. To meet the ends of justice and considering that no useful purpose would be served in continuing with the trial, the above mentioned FIR and all subsequent proceedings arising therefrom are quashed.

(9) The petition is allowed..

**(AVNEESH JHINGAN)**  
**JUDGE**

**20<sup>th</sup> August, 2021**

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