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

CRM-M-30993-2021

DECIDED ON: 25th AUGUST, 2021

VIJAY KUMAR @ VIJAY AND OTHERS

PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. V.K. Sandhir, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Umesh Kumar, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

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

[2] This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 201 dated 11th July, 2020, under Sections 323, 325, 506, 148 and 149 IPC, registered at Police Station Sadar, Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 26th April, 2021.

[3] The FIR was recorded on the statement of Ramandeep Kaur. As per the allegations, on 2nd May, 2020 at about 10.30 PM accused-petitioners came to the house of the complainant and knocked the door.

On her opening the door, a lalkara was raised and a rod blow was given on

the right thumb of the complainant. She closed the door and the accused climbed the roof top and started throwing stone and bricks.

[4] The matter was compromised and present petition was filed for quashing.

[5] Following order was passed by this Court on 4th August, 2021:-

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

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 201 dated 11.7.2020, under Sections 323, 325, 506, 148 and 149 IPC, registered at Police Station Sadar, Amritsar and all other subsequent proceedings arising therefrom on the basis of compromise dated 26.4.2021.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab and Mr. Umesh Kumar, Advocate appearing on advance notice accept the same on behalf of respondents No.1 and 2 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 12.8.2021.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

(i) Number of persons arrayed as accused in the FIR.

(ii) Whether any accused is proclaimed offender and

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 25.8.2021.”

[6] The report dated 13th August, 2021 is received stating that the compromise is genuine, voluntarily and without any coercion or undue

influence. It is also stated in the report that there are eight accused and

none of them has been declared proclaimed offender/person.

[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] The dispute is between the neighbourers, they have bridged

their differences and decided to live peacefully rather than indulging in

litigation.

[9] No useful purpose would be served by continuing with the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

25th AUGUST, 2021
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No