

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

(1) CRM-M-30070-2020
Date of Decision : 03.06.2021

Ajmer Singh and others ...Petitioners

Versus

State of Punjab and anotherRespondents

(2) CRM-M-30716-2020
Date of Decision : 03.06.2021

Gurlal Singh and others ...Petitioners

Versus

State of Punjab and anotherRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Kanwar Pahul Singh, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Navneet Kaur Dhanjal, Advocate with Dr. Rabia Gund, Advocate
for respondent No.2.

B.S. Walia, J.

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

2. This order shall decide CRM-M-30070-2020 and CRM-M-30716-2020.

3. Prayer in the petition (CRM-M-30070-2020), is for quashing of FIR No.91 dated 04.05.2020, registered under Sections 323, 325, 506, 34 IPC, 1860, at Police Station Lopoke, District Amritsar Rural along with all consequential proceedings emanating therefrom on the basis of compromise, Annexure P/2, dated 04.08.2020, while prayer in CRM-M-30716-2020, is for quashing of DDR No.21 dated 11.05.2020, registered under Sections

registered under Sections 323, 325, 506, 34 IPC, 1860, at Police Station Lopoke, District Amritsar Rural, on the basis of compromise, Annexure P/2 dated 04.08.2020.

4. Learned counsel contends that the aforementioned FIR was registered against the petitioners (in CRM-M-30070-2020), at the instance of complainant/respondent No.2, Gurlal Singh, on account of dispute between the parties regarding the complainant's brother doing sewa at the place of Baba Saroopdas, opposite to the house of his brother, Davinder Singh whereas the aforementioned DDR was registered against the petitioners (in CRM-M-30716-2020), at the instance of complainant i.e. respondent No.2, Amreek Singh, on the ground that on 11.04.2020, while he, his brother Pargat Singh and son Bau Singh were present in their house, the petitioners entered into their house and caused injuries to the complainant and also damaged fixtures in the house.

5. Learned counsel contend that with the intervention of respectable persons of society, dispute qua the aforementioned FIR/DDR, has been amicably resolved amongst the parties vide compromise, Annexure P/2 dated 04.08.2020 and as per the terms and conditions of the compromise the parties had undertaken to file separate petitions before this Court for quashing of the FIR/DDR as also to be present for recording of their statement.

6. Pursuant to the order of this Court dated 28.09.2020, in CRM-M-30070-2020, the parties were directed to put in appearance before the learned trial Court/Illaq Magistrate for recording of their statement on 04.11.2020 while pursuant to order of this Court dated 06.10.2020, in CRM-M-30716-2020, the parties were directed to put in appearance before the

04.11.2020. Pursuant to the aforementioned orders of this Court, statement of the petitioners as well as complainant/respondent No.2 in both the cases have been recorded by the learned Judicial Magistrate 1st Class, Ajnala on 12.11.2020, whereupon, learned JMIC, Ajnala, submitted report that dispute between the parties had been settled with the intervention of respectable persons, complainant/respondent No.2 in both the cases had no objection, if the FIR/DDR along with all consequential proceedings emanating therefrom were quashed, compromise with the accused was genuine, without any pressure or coercion and that except for the complainant in the respective cases, no person had sustained injuries in the occurrence at the hands of the accused persons and that except for the petitioners in the respective cases, no other person was named as accused nor any accused had been declared as proclaimed offender, report u/s 173 Cr.P.C. had not been presented nor was there any other case pending against the accused and that the complainant in both the cases did not want to proceed with the case and had no objection if the FIR/DDR was quashed by this Court. The learned Judicial Magistrate 1st Class, Ajanala, accordingly submitted report dated 11.12.2020 that both the parties had settled the matter amicably etc.

7. Keeping in view the fact that the matter has been compromised between the parties vide compromise Annexure P/2 dated 04.08.2020, parties are residents of the same village and have voluntarily buried the hatchet and decided to live peacefully by getting the aforementioned FIR/DDR quashed, besides learned State counsel as well as learned counsel for complainant/respondent No.2 in both the cases have also supported the prayer for quashing the aforementioned FIR/DDR along with all consequential proceedings emanating therefrom, on the basis of

of the dispute between the parties with the intervention of respectable persons of society, accordingly, in view of the position noted above, there is no impediment in the way of the Court in the exercise of its inherent powers under Section 482 Cr.P.C. to quash the FIR/DDR and all consequential proceedings emanating there from as no useful purpose would be served by prolonging the litigation.

[8] Learned Counsel have also referred to the decision of Hon'ble the Supreme Court in ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543*** as well as Hon'ble the Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052***. Relevant extract of the decision in ***Gian Singh's case (supra)*** is reproduced 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 predominatingly civil flavor 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.”

Likewise, relevant extract of the decision in ***Kulwinder Singh’s case (Supra)*** is reproduced as under:-

39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the

Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

9. In the circumstances, in view of compromise, Annexure P/2 dated 04.08.2020, statement of the parties recorded by the learned JMIC, Ajnala as well as report submitted by the learned Judicial Officer, the possibility of conviction of the petitioners in both the cases is remote and bleak. Moreover, since the parties are residents of the same village and have amicably settled the matter by burying the hatchet and want to live peacefully, report u/s 173 Cr.P.C. has not been presented nor is there any other case pending against the accused and complainant in both the cases do not want to proceed with the case and have no objection if the FIR/DDR is quashed by this Court, continuation of the criminal case against the accused/petitioners in the FIR/DDR despite full and complete settlement of the dispute between the parties, would not serve any purpose. In the circumstances, ends of justice would be met, if the criminal cases are brought to an end.

10. Accordingly, in view of the position noted above, the instant petitions are allowed and FIR No.91 dated 04.05.2020, registered under Sections 323, 325, 506, 34 of IPC, 1860, at Police Station Lopoke, District Amritsar Rural and DDR No.21 dated 11.05.2020, registered under Sections 452, 323, 506, 427, 34 of IPC, 1860, in FIR No.91 dated 04.05.2020, registered under Sections 323, 325, 506, 34 of IPC, 1860, at Police Station Lopoke, District Amritsar Rural, along with all consequential proceedings emanating therefrom are quashed qua the petitioners in both the cases.

11. Petitions allowed in the aforementioned terms.

03.06.2021

'rajesh'

(B.S. Walia)

Judge