

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

Date of decision : 21.01.2021

1. CRM-M-31448-2020(O&M)

Manjit Singh and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

2. CRM-M-31585-2020(O&M)

Kiranpreet Kaur and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Sanjeev Kumar, Advocate
for the petitioners in CRM-M-31448-2020 and
for respondents No.2 to 7 in CRM-M-31585-2020.

Mr. Siddharth Sharma, Advocate
for the petitioners in CRM-M-31585-2020 and
for respondents No.2 to 8 in CRM-M-31448-2020.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This order of mine shall dispose of two petitions bearing
CRM-M No.31448 of 2020 seeking quashing of FIR No.104 dated
13.11.2017 under Sections 323, 324, 354, 452, 506, 148 and 149 of the
Indian Penal Code, 1860 registered at Police Station Bholath, District
Kapurthala and CRM-M No.31585 of 2020 seeking quashing of

DDR/Rapat No.27 dated 15.11.2017 under Sections 323, 324, 354, 452, 506, 148 and 149 IPC, registered at Police Station Bholath, District Kapurthala on the basis of the compromise dated 05.01.2019.

Vide order dated 08.10.2020 the parties were directed to appear before the concerned Trial Court/Illaq Magistrate for recording of their statements.

Report dated 15.01.2021 has since been received from the Sub Divisional Judicial Magistrate, Bholath, Kapurthala, along with the statements of the parties, wherein it has been stated that the parties have entered into a compromise of their own free will and without coercion, pressure or undue influence. They have no objection if the FIR and the cross DDR are quashed.

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 petitioners 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, both the FIR No.104 dated 13.11.2017 under Sections 323, 324, 354, 452, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Bholath, District Kapurthala as well as all the subsequent proceedings arising there-from, AND DDR/Rapat No.27 dated 15.11.2017 under Sections 323, 324, 354, 452, 506, 148 and 149 Indian Penal Code, 1860 registered at Police Station Bholath, District Kapurthala as well as all the subsequent proceedings arising there-from, stand quashed on the basis of the compromise dated 05.01.2019.

The petition is accordingly allowed.

(ALKA SARIN)
JUDGE

21.01.2021
Yogesh Sharma

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