

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

135

**CRM-M-37433-2021
Date of decision: 10.09.2021**

Navdeep Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

Present : Mr. Aditya Pal Singla, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.53, dated 12.05.2018, lodged under Sections 376, 354, 342, 341, 294 and 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Nurpurbedi, District Rupnagar and the consequential proceedings arising out of the same, on the basis of compromise affidavit (Annexure P-2) arrived at, between the parties.

Learned counsel for the petitioner submits that the matter between the petitioner and the victim stands amicably settled vide compromise deed dated 06.08.2021 annexed as Annexure P-2 with the petition. Placing reliance upon the judgment of the Apex Court rendered in *Bhajan Lal Vs. State of Haryana : 1991 (1) RCR (Criminal) 383*, learned counsel for the petitioner has submitted that in the wake of the compromise arrived at between the parties, the continuation of criminal proceedings against him would be nothing but an abuse of the process of law.

I have heard learned counsel for the petitioner as well as gone through the material available on record.

No doubt, criminal proceedings in some cases including for offences which are non-compoundable in nature can be quashed in view of a compromise which may have been arrived at between the parties. However, if the offences which are alleged to have been committed by an accused has a harmful affect on the society at large, such as offences involving moral turpitude like rape, murder etc. the Courts should be most circumspect while exercising its inherent jurisdiction under Section 482 of the Cr.P.C.

Coming to the case in hand, the petitioner has been charged for offences under Sections 376, 354, 342, 341, 294 and 506 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 which admittedly are non-compoundable offences. Still further, the offences for which the petitioner is facing trial cannot be said to be private in nature, rather the crime in question definitely would have a bearing on the society at large. Quashing of an FIR in such like cases would be against public policy and more pertinently against the legislative intent which has in its wisdom categorized the offences into the compoundable and non-compoundable under Section 320 of the Cr.P.C., after taking into consideration the gravity of each of the offences.

Moreover, in the instant case the trial is nearing its conclusion as admittedly the entire prosecution evidence stands recorded. It is also a matter of record that during the trial, both, the victim as well as the complainant supported the case of the prosecution

in its entirety. The Hon'ble Supreme Court in *Criminal Appeal No.686 of 2014 titled as 'Narinder Singh and others Vs. State of Punjab and another'* decided on 27.03.2014, has held that the timing of a settlement in non-compoundable and heinous offences is a crucial factor to be considered and if the compromise/amicable settlement between the parties is effected when the trial is at the stage of evidence or nearing completion or even post-conviction, the Courts should not exercise their powers under Section 482 of the Cr.P.C. to quash criminal proceedings.

As a sequel to the above discussion, this Court would loath to accept the prayer of the petitioner to quash the FIR in question on the basis of a compromise arrived at between the parties.

Dismissed.

10.09.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No