

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

CRM-M-43699-2020

Date of Decision : 03.06.2021

Anoop Rikhi and others

...Petitioners

Versus

State of Punjab and another

....Respondents

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

Present : Mr. Parveen Kumar Garg, Advocate for the petitioners.

Mr. Aditya Sharda, AAG, Punjab.

Mr. Ritesh Pandey, 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. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.178 dated 30.06.2020, registered under Sections 342, 452, 506, 379, 148 and 149 of the IPC, 1860, at Police Station City Sunam, District Sangrur, along with all consequential proceedings emanating therefrom on the basis of compromise, Annexure P/2, dated 19.12.2020.
3. Learned counsel contend that the aforementioned FIR was got registered by respondent No.2, due to dispute between the parties with its genesis in differences arising out of business transactions and consequential forcible entry of the accused (present petitioners) in the premises of respondent No. 2 leading to threats, beatings and snatching of money etc., but now with the intervention of respectable persons of society, all the grievances of the parties had been resolved amicably by way of compromise Annexure P/2 dated 19.12.2020 and as a consequence thereof, respondent

the quashing of the FIR and all consequential proceedings emanating therefrom in order to maintain peace, harmony and cordial relations between the parties.

5. Vide order dated 23.12.2020, parties had been directed to put in appearance before the learned Illaqa Magistrate/Trial Court/Duty Magistrate concerned on 08.01.2021, for recording of their statement in terms of compromise, Annexure P/2 dated 19.12.2020, qua execution and veracity of the compromise.

6. Pursuant to the recording of the statement of the parties, report has been submitted by the learned SDJM, Sunam, dated 15.01.2021, that the complainant as well as accused had suffered statement that dispute amongst them had been amicably resolved and compromise had been entered into between the parties out of the free will of parties including respondent No.2, without any inducement, threat, promise or coercion from any corner and further that respondent No.2, had no objection, if the FIR along with all consequential proceedings emanating therefrom were quashed qua the petitioners.

7. The learned SDJM, Sunam, further recorded that she had carefully gone through the statements got recorded by the complainant, victim and the accused and from the same it was apparent that the compromise had been arrived at voluntarily, without any inducement, threat, promise, coercion or undue influence from any corner with a view to eliminate bitterness and acrimony between the parties and to restore cordial relations between them, that there was total three accused persons and that as per the statement of the Investigating Officer, SI Balkar Singh, there was only one complainant i.e. respondent No.2 and that neither any accused was

declared proclaimed offender nor the accused were involved in any other FIR.

8. Learned counsel for the parties are ad-idem that in view of amicable settlement of the dispute, recording of statement of the parties to the above effect by the learned SDJM, Sunam as well as settled law, the aforementioned FIR along with all consequential proceedings emanating therefrom, be quashed.

9. Learned counsel rely upon the decision of Hon'ble the Supreme Court in '*Gian Singh versus State of Punjab and another, 2012 (4) RCR (Criminal) 543* as well as '*Kulwinder Singh and Others versus State of Punjab and Others*' 2007(3) RCR (Crl.) 1052 in support of their plea.

Extract of the decision in Gian Singh's case 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.”

Extract of the decision in 'Kulwinder Singh's case 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.

10. I have considered the submissions of learned counsel for the parties and perused the case file.

11. Dispute between the parties was predominantly personal in nature on account of the same having its genesis in business differences

though leading to forcible entry into the office of respondent No.2, giving him threats, causing injuries etc. as also snatching money and papers. However, now with the intervention of respectable persons of society, compromise had been entered into between the parties i.e. Annexure P/2 dated 19.12.2020, whereby the parties have resolved their entire dispute.

12. Accordingly, in view of compromise, Annexure P/2 dated 19.12.2020, statements of parties recorded before the learned SDJM, Sunam and no objection of respondent No.2 to the quashing of the FIR along with all consequential proceedings emanating therefrom qua the petitioners, likelihood of conviction of the petitioners in the case is remote and bleak. Consequentially, continuation of the criminal case against the petitioners 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 case is put to an end.

13. Accordingly, in view of the position noted above, the instant petition is allowed and FIR No.178 dated 30.06.2020, registered under Sections 342, 452, 506, 379, 148 and 149 of the IPC, 1860, at Police Station City Sunam, District Sangrur, and all consequential proceedings emanating therefrom, are quashed, qua the petitioners.

14. Petition allowed in the aforementioned terms

03.06.2021
'rajesh'

(B.S. Walia)
Judge

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