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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43877-2020
Date of decision-23.03.2021

Kuldeep Singh and another **....Petitioners**

Vs.

State of Punjab and another **...Respondents**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.S.Sidhu, Advocate for the petitioners.

Mr. H.S.Multani, AAG, Punjab.

Mr. T.S.Hundal, Advocate for respondent No.2.

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MANOJ BAJAJ, J.

Through this petition, filed under Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.119 dated 17.10.2018 (Annexure P-1) under Sections 341, 353, 186, 506, 147 and 149 Indian Penal Code, 1860 registered at Police Station Julkan, District Patiala and the proceedings arising therefrom, on the basis of the compromise dated 18.12.2020 (Annexure P-2) entered into between the parties.

Vide order dated 04.01.2021, the parties were directed to appear before the trial Court for recording of their statements and report was sought regarding compromise.

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In deference to the said order, a report dated 19.01.2021 submitted by Judicial Magistrate First Class, Patiala reveals that as per statements made by the parties in the Court, they have voluntarily entered into a compromise and the Court is satisfied that the said settlement is without any fear, pressure, threat or coercion and based on their free will.

Learned State counsel and counsel appearing on behalf of respondent No.2 do not dispute the factum of compromise between the parties.

I have heard learned counsel for the parties and perused the case file.

The Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, categorically held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and same is not confined to matrimonial disputes alone.

The relevant para is extracted below :-

> "29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Criminal Procedure Code 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 Criminal Procedure Code, in order to prevent the abuse of law and to secure the ends

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of justice."

In **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, the Hon'ble Supreme Court has also discussed the powers of High Court under Section 482 Cr.P.C. and the relevant portion reads as under :-

> "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

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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 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

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proceeding."

Since the parties have settled the dispute and decided to live in peace, therefore, no meaningful purpose would be served in allowing the criminal proceedings to continue.

In view of the above, present petition succeeds and FIR No.119 dated 17.10.2018 (Annexure P-1) under Sections 341, 353, 186, 506, 147 and 149 IPC registered at Police Station Julkan, District Patiala and all the subsequent proceedings arising therefrom are ordered to be quashed.

23.03.2021 **(MANOJ BAJAJ)**
vanita **JUDGE**

Whether speaking/reasoned : Yes No
Whether Reportable : Yes No

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