

**240 IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH**

CRM-M-4578-2022

Date of Decision:22.11.2022

Satinder Jit Singh @ Bhalu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aminder Singh, Advocate
for the petitioners.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Rajat Arora, Advocate for
Mr. Angad Chahal, Advocate
for respondent No. 2.

JAGMOHAN BANSAL, J. (ORAL)

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No. 226, dated 13.07.2020 under Sections 324, 341, 323, 506, 34 IPC registered at Police Station City Sangrur, Sangrur, and all other consequential proceedings arising therefrom, on the basis of compromise dated 04.08.2020 (Annexure P-2).

In terms of order dated 29.03.2022 of this Court, learned Chief Judicial Magistrate, has submitted her report dated 08.06.2022. The relevant extracts of the report are as below :-

After evaluation of the statements of the parties as well as the both Investigating Officer, a report on the aspects so enumerated is submitted here under:-

(i) Number of persons arrayed as accused.

On this count it is submitted that in the present FIR no. 226 dated 13.07.2020 under Sections 323, 324, 341, 506 and 34 of IPC, Police Station City Sangrur, there are four

accused namely:

(1) Satinder Jit Singh @ Bhalu son of Jagjit Singh resident of Hno. 279, Haripura Basti, Sangrur.

(2) Satnam Singh @ Sattu son of Jagjit Singh resident of Hno. 279, Haripura Basti, Sangrur.

(3) Yadwinder Singh @ Sunny son of Labh Singh resident of Near Gurudwara Sahib, Haripura Basti, Sangrur.

(4) Lovepreet Singh @ Lucky son of Jasvir Singh resident of Hno. 253, Haripura Basti, Sangrur.

(The named accused being petitioners no. 1 to 4)

(ii) Whether any accused is a proclaimed offender?

As per the statement of the ASI Surjit Singh Belt No. 1739/Sangrur Investigating Officers in the present case none of the above accused has been declared a proclaimed offender so far.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

On 07.04.2022, petitioners Satinder Jit Singh @ Bhalu. Satnam Singh @ Sattu, Yadwinder Singh @ Sunny and Lovepreet Singh @ Lucky had appeared in this Court along with their respective Advocate counsels upon filing of application for taking up file for recording the statements of the accused and complainant as per order dated 29.03.2022 passed by Hon'ble Punjab & Haryana High Court in CRM-M-4578 of 2022. Accordingly, statements of the petitioners as well as that of respondent were recorded. Through the same, the parties stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. The complainant/respondent stated in specific terms that he had no objection if the quashing proceedings filed by the petitioners/accused is accepted. Both the parties were identified by their respective advocates. Parties to the compromise have shown their identity cards and photocopies of the same were taken on record. The same was owned up by the petitioners as well as respondent who submitted in unison that they had executed the compromise out of their own free volition. They also identified their signatures upon the same.

Accordingly, on the basis of statement of parties to compromise, this Court is satisfied that aforesaid statement made by the parties are given voluntarily and their compromise is genuine and has been arrived at without any coercion or undue influence from either side. The copies of the statements, identity cards are attached herewith.

(iv) Whether the accused persons are involved in any other FIR or not?

As per record, apart from FIR no.226 dated 13.07.2020 under Sections 323, 324, 341, 506 and 34 of IPC, Police Station City Sangrur, the four accused namely Satinder Jit Singh @ Bhalu son of Jagjit Singh, Satnam Singh @ Sattu son of Jagjit Singh, Yadwinder Singh @ Sunny son of Labh Singh and Lovepreet Singh @ Lucky son of Jasvir Singh are not involved in any other FIR.

(v) The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.

It is humbly submitted that in furtherance of directions, notice was issued to the Investigation Officer of the present case for recording statement, the statement of ASI Surjit Singh, No.1739/Sgr, was got recorded in compliance of directions.

As per their statements, there is only one complainant/victim namely Kulwinder Singh son of Harjinder Singh and there is no other complainant/victim in the present FIR no.226 dated 13.07.2020 under Sections 323, 324, 341, 506 and 34 of IPC, Police Station City Sangrur and the complainant and accused a party to the compromise in question as per their respective statements.

Statement of Investigation Officer was recorded by Trial Court and said statement is part of report dated 08.06.2022 submitted by learned Trial Court.

Learned State counsel on instruction from Investigating Officer submitted that State has no objection if FIR and consequent proceedings in view of compromise are quashed.

Relying upon its earlier judgments in '**Gian Singh Vs. State of Punjab and others, (2012) 10 SCC 303**' and '**The State of Madhya Pradesh Vs. Laxmi Narayan and others (2019) 5 SCC 688**', a two Judge Bench of the Hon'ble Supreme Court in '**Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC online SC 834**' while dealing with power of High Court under Section 482 of Cr.P.C. to quash non-compoundable offences on the basis

of compromise between the disputing parties has held:

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under [Section 320 Cr.P.C.](#) Any such attempt by the court would amount to alteration, addition and modification of [Section 320 Cr.P.C.](#), which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of [Section 320 Cr.P.C.](#), which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of [Section 320 Cr.P.C.](#) is not an embargo

against invoking inherent powers by the High Court vested in it under [Section 482 Cr.P.C.](#) The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press [Section 482 Cr.P.C.](#) in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under [Section 482 Cr.P.C.](#), even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings

involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under [Section 482 Cr.P.C.](#) would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under [Section 482 Cr.P.C.](#) may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in [Narinder Singh & Ors. vs. State of Punjab & Ors.](#)³ and [Laxmi Narayan \(Supra\)](#).

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or

professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

From the perusal of the enclosed FIR, report of the Trial Court and compromise arrived between the parties, it transpires that contesting parties have amicably resolved their issue, thus, no useful purpose would be served by continuing the proceedings. The alleged offences are of pre-dominantly private in nature and no moral turpitude or interest of public at large is involved. There appears to be no chance of conviction, the continuance of the proceedings would just waste valuable judicial time and it is well-known fact that courts are already over burdened.

In view of above facts and circumstances, the present petition deserves to be allowed and accordingly is allowed.

FIR No. 226, dated 13.07.2020 under Sections 324, 341, 323, 506, 34 IPC registered at Police Station City Sangrur, Sangrur, and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

(JAGMOHAN BANSAL)
JUDGE

November 22, 2022
P.Bhatt

Whether speaking/reasoned Yes/No

Whether reportable Yes/No