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

279

**CRM-M-5326-2022(O&M)**
**Date of decision:04.08.2022**

RAJINDER SINGH @ SONI AND ORS ....Petitioners

**Versus**

STATE OF PUNJAB AND OTHERS ...Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Karan Dhawan, Advocate
for respondent Nos.2 and 3.

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**VINOD S. BHARDWAJ. J. (ORAL)**

By means of the instant petition, the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure has been invoked for seeking quashing of FIR No.168 dated 07.07.2021 under Sections 324, 427, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Chattiwind, District Amritsar (Rural) and all other consequential proceedings arising therefrom, on the basis of compromise dated 06.01.2022 (Annexure P-2) entered between the parties.

2 The parties were directed to appear before the learned trial Court/Illaqa Magistrate vide order dated 17.03.2022 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

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3. Pursuant to the said order, report has been received from the Judicial Magistrate First Class, Amritsar vide Memo No.36 dated 01.08.2022. The relevant extract of the report is reproduced as under:-

> *"1.* Statement of the complainant namely Gurleen Kaur has also recorded wherein she stated that compromise has been effected with the accused namely Rajinder Singh, Bau Singh, Jugraj Singh, Soni, Labhu & Daljit Singh voluntarily and without any misrepresentation, threat, coercion or duress.
>
> 2. Statement of investigating officer ASI IO ASI Harpal Singh -1091, ASR, presently posted at PS Chatiwind, Amritsar has also been recorded to the effect that
>
> (a) FIR was registered by Gurleen Kaur complainant against the accused against accused Rajinder Singh, Bau Singh, Jugraj Singh, Soni, Labhu & Daljit Singh. She further stated that except these accused, no other accused is involved in present FIR.
>
> (b) No person has been declared as proclaimed person in the present FIR.
>
> (c) Except present FIR, the parties are not involved in any other Criminal case and No person, who are involved in the present FIR, has been declared as proclaimed person in any other criminal case.
>
> (d) He also submitted that challan in the present case has not been presented till date.
>
> (e) Except present FIR, there is no other litigation pending between the parties.
>
> (f) There is only one victim namely Gurleen Kaur who is complainant and total five accused persons as mentioned above."

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4. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

5. Mr. Karan Dhawan, Advocate appears on behalf of respondent No.2 & 3 and reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

6. The Full Bench of this Court in the matter of *"**Kulwinder Singh and others versus State of Punjab and another"*** reported as ***(Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052*** has observed as under:

> *'(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".*
>
> *(29) In **Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors.,** Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:*
>
> *"The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion."*
>
> *(30) The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

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*(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

*(32) 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.*

*(33) 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.*

*(34) The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of*

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> *power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*

7. The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of ***'Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303'***. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another" (2017) 9 SCC 641'.***

8. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

9. The Hon'ble Supreme Court has held in the matter of '***Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834'***, that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of the Hon'ble

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Supreme Court is extracted as under:-

> *19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.*

10. The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 482 CrPC:-

i. The scuffle arose from a property dispute between the paties resulting in injuries being caused. The injuries were simple in nature;

ii. Petitioner No.1 & 4 are in their thirties, petitioner No.2 is 53 years old & petitioner No.3 is 26 years old and continuation of criminal proceedings will cause severe repercussions to the petitioners in discharge of their social obligations as well as in their work place. Petitioner No.5 is 18 years old and continued criminal incarceration is likely to result in negative impact on their future prospects;

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iii. The case is still at the initial stage as FIR was registered in the year 2021 and the matter is still under investigation;

iv. The parties are residents of the same neighbourhood and continuation of the proceedings likely to spoil the peaceful atmosphere of their neighbourhood.;

v. The offence in question cannot be said to be heinous or as an offence that would be shocking to the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court;

vi. Continuation of the proceedings and forcing the parties to undergo rigours of criminal proceedings is not likely to sub-serve any large public interest;

vii. The complainant is not likely to support the case of the prosecution. Continuation of the proceedings is likely to be a waste of judicial time. The proceedings are likely to end in futility for want of parties to support the case of the prosecution;

viii. No larger public purpose would be served by continuation of the proceedings;

ix. Parties do not suffer any criminal antecedents and have not indulged in any such or similar case during the pendency of the case or after registration of the FIR.

x. The object of law is well served when the parties resolve their differences and choose to peacefully co-exist and live in harmony.

11. In view of the report of Judicial Magistrate First Class, Amritsar

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and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, as well as ***Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834*** and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. FIR No.168 dated 07.07.2021 under Sections 324, 427, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Chattiwind, District Amritsar (Rural) and all other consequential proceedings arising therefrom, **are hereby quashed** qua the petitioners on the basis of compromise dated 06.01.2022 (Annexure P-2) entered between the parties. However, the same would be subject to payment of costs of Rs.5,000/- each to be deposited by the petitioners with the '**Punjab State Legal Services Authority, Mohali**' within one month from receipt of certified copy of this order.

Petition is allowed.

**(VINOD S. BHARDWAJ)**
**JUDGE**

**04.08.2022**
*Amandeep*

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

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