

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

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CRM-M-7546-2021

Date of Decision : **May 09, 2022**

INDER SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. D.S.Gandhi, Advocate for respondent No.2.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.35 dated 8.4.2019, under Sections 447, 427, 511, 506, 34 IPC registered at Police Station Jhabal, Tarn Taran based upon compromise (Annexure P-2) and all other consequential proceedings arising therefrom.

It has been submitted by the learned counsel for the petitioners that the present FIR was lodged on the basis of some misunderstanding between the petitioners and the complainant as they are related with each other and the dispute was pertaining to ploughing of the land because partition had not taken place and it was a case of no injury and it was thereafter that with the intervention of the respectables of the village, the matter was compromised between the parties and the present case does not fall in the category of serious and heinous offence. He further submitted that now the statements have been recorded before the learned Magistrate in pursuance of the directions issued by this Court and in order to secure the ends of justice the present FIR may be quashed on

the basis of compromise.

The learned State counsel has stated that it is correct that the dispute between the parties pertains to ploughing of land since there was demarcation dispute between the parties and it was a case of no injury and the FIR is of the year 2019 but no challan has been presented till date.

Mr. Gandhi, Advocate appearing on behalf of the complainant has also stated that the matter has been amicably settled between the parties and the respondent No.2 was the complainant in the present case and it was a case of no injury and he has no objection in the case the FIR is quashed based upon compromise.

I have heard the learned counsels for the parties.

In pursuance of the order passed by this Court on 17.2.2021, the parties were directed to appear before the learned trial Court/Illaq Magistrate for the purpose of recording of their statements. A report has been received from Additional Chief Judicial Magistrate, Tarn Taran dated 16.8.2021 in which it has been stated that in pursuance of the order passed by this Court, the petitioners, namely, Inder Singh and Amarjit Singh and respondent No.2, namely, Heera Singh had appeared in the Court on 11.8.2021 and they have been identified by their respective counsels. Both the parties have suffered their respective statements in the Court that they have amicably settled their dispute with the intervention of respectables. The statements were recorded in the presence of learned Magistrate after obtaining photocopies of their Aadhar Cards as proof of their identity. The statement of the IO was also recorded. The learned

Magistrate has also stated in the reply that he has satisfied that the compromise arrived at between the parties is voluntary and without any pressure and apart from the same the accused have not been declared as a proclaimed offender and no proclaimed proceedings are pending against the accused who are the petitioners in the present case.

The law with regard to quashing of the FIR based upon compromise is well settled. Ordinarily the Courts should always exercise due care and caution while considering the quashing of the FIR based upon compromise. However, in cases where it involved serious and heinous offence and where large section of society is involved the Court should normally refrain from quashing of FIR based upon compromise.

In Gian Singh Versus State of Punjab and another 2013

(1) SCC (Crl.) 160 and State of Madhya Pradesh Vs. Laxmi Narayan and Others 2019 (2) SCC (Crl.) 706 it was held as follows:-

“61. 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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

the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

In the present case it is a case of no injury and the allegation in the present case is that there was a dispute regarding demarcation of land between the cousins and the dispute arose pertaining to ploughing of land. The matter was ultimately settled between the parties with the intervention of the respectables and, therefore, this Court is satisfied that this case does not fall in the category of serious and heinous crime and this Court is also satisfied that in order to secure the ends of justice, the present FIR based upon compromise can be quashed

Therefore, considering the law laid down by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and another 2013 (1) SCC (Crl.) 160** and **State of Madhya Pradesh Vs. Laxmi Narayan and Others 2019 (2) SCC (Crl.) 706** and Larger Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052**, the present petition is allowed. FIR No.35 dated 8.4.2019, under Sections 447, 427, 511, 506, 34 IPC registered at Police Station Jhabal, Tarn Taran and all other consequential proceedings arising therefrom are quashed qua the petitioners.

(JASGURPREET SINGH PURI)
JUDGE

May 09, 2022

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