

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

CRM-M No.9762 of 2020 (O&M)

Decided on: 28.03.2022

Vijay Verma and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Sukhdeep Singh, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-4327-2021 IN CRM-M-9762-2020

Prayer in this application is for impleading Krishna Devi
as respondent No.2.

Heard.

For the reasons stated in the application, the same is
allowed and Krishna Devi is ordered to be impleaded as respondent
No.2.

Amended Memo of Parties is taken on record.

CRM-M-9762-2020 (O&M)

The petitioners have prayed for quashing of FIR No.109
dated 09.02.2014 for offence punishable under Sections 306, 506, 34 of
the Indian Penal Code, 1860 (in short 'IPC'), at Police Station Karnal
Civil Lines, District Karnal and all other consequential proceedings

arising therefrom, on the basis of the compromise effected between the parties.

Vide order dated 10.09.2021, the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to genuineness of the compromise.

In terms of the order dated 10.09.2021, the trial Court has submitted a report dated 29.09.2021.

As per the report, the FIR was got registered by Balwan Singh, father of the deceased Akhil Chauhan, however, Balwan Singh had died and later on, Krishna Devi, mother of the deceased entered into compromise with the accused Vijay Verma and Priya Verma. The trial Court has stated in the report that initially the FIR was registered against 09 persons, however, 07 persons were found innocent and were discharged by the Additional Sessions Judge, vide order dated 19.03.2015 and 24.04.2015, however, the challan was presented against the petitioners and they are facing the trial.

The report of the trial Court also reflects that at initial stage, an application under Section 319 Cr.P.C., was filed after partly recording the examination-in-chief of Balwan Singh, however, the same was dismissed but Balwan Singh could not complete his further examination-in-chief and cross-examination as he died on 06.05.2020.

Counsel for the petitioner has argued that except Krishna Devi, there was no other legal heirs of deceased Akhil Chauhan.

A perusal of the statement of Krishna Devi reveals that after acknowledging all the facts, it is stated that she has no objection if the FIR registered against the petitioners is quashed on the basis of the

compromise.

Similar is the statement of both the petitioners.

Counsel for the petitioners has also placed on record the documents showing the letter of appointment of petitioner No.2 on the post of Finance and Accounts Officer in Oil and Natural Gas Corporation Limited and submit that in case the FIR is not quashed, the petitioner No.2, who is a young lady, her career will be at stake.

Counsel for the petitioners has also submitted that no other criminal case is pending between the parties and none of the petitioner has been declared as proclaimed offender.

Counsel for the petitioners has relied upon the judgments of the Hon'ble Supreme Court in ***"R. Saravanan and another vs State. Rep by The Inspector of Police, Ayanavaram Police Station, Chennai"***, passed in CrI. O.P. No.8060 of 2018, decided on 09.04.2018, ***"Narayan Malhari Thorat vs Vinayak Deorao Bhagat and another"***, passed in Criminal Appeal No.1487 of 2018, decided on 28.11.2018, to submit that even in case registered under Section 306 IPC, where there is no direct allegations, the FIR can be quashed.

Counsel for the petitioners has also placed reliance upon the judgments passed by this Court, wherein similar view was taken by this Court, in ***"Renu and another vs State of Punjab and another"***, passed in CRM-M No.8747 of 2017, decided on 12.05.2017, ***"Sukhbir Singh @ Gola & others vs State of Punjab and another"***, passed in CRM-M No.41135 of 2020 decided on 22.12.2020, ***"Jaspreet Kaur vs State of Punjab and another"***, passed in CRM-M No.1109 of 2020, decided on 28.02.2020, ***"Varinder Kumar @ Bitra and others vs State***

of Punjab and another”, passed in CRM-M No.13053 of 2017, decided on 22.08.2019, “*Amar Nath vs State of Punjab and another*”, passed in CRM-M No.12158 of 2018 decided on 09.05.2019, “*Vinod Kumar vs State of Punjab and others*”, passed in CRM-M No.48941 of 2017, decided on 27.02.2019.

Counsel for the State assisted with counsel for the respondent No.2 has not disputed the fact that the parties have arrived at a settlement with an intent to give burial to their differences.

Counsel for the State, on the basis of the affidavit of the Investigating Officer has, however, submitted that the case is at the stage of recording the prosecution evidence and some witnesses have already been examined.

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

After perusing the report submitted by the trial Court, this Court is of the opinion that the matter has been amicably settled between the petitioners and respondent/victims, who have decided to bury their dispute and live in peace.

As per the Full Bench judgment of this Court in “*Kulwinder Singh and others vs State of Punjab*”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of **“Gian Singh vs State of Punjab and another”**, 2012 (4) RCR (Criminal) 543, has held 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 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 proceeding.”

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.109 dated 09.02.2014 for offence punishable under Sections 306, 506, 34 IPC, at Police Station Karnal Civil Lines, District Karnal and proceedings emanating therefrom are ordered to be quashed, qua the petitioners, subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Karnal.

(ARVIND SINGH SANGWAN)
JUDGE

28.03.2022

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No