

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13572-2022
Date of Decision: 14.11.2022

Karamjeet Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Gurinder Singh Goraya, Advocate,
for the petitioners.

Mrs.Dimple Jain, AAG, Haryana.

Mr.Gurnoor Singh, Advocate, for
Mr.Anupinder Singh Brar, Advocate,
for respondent Nos.2 and 3.

JAGMOHAN BANSAL, J. (ORAL)

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No.487 dated 26.09.2020 under Sections 148, 149, 323, 324 341, 506 of IPC 1860 and Section 325 of IPC 1860 registered at Police Station Pehowa District Kurukshetra (Annexure P-1) and all other subsequent consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

In terms of order dated 01.04.2022, learned Sub Divisional Judicial Magistrate, Pehowa has submitted his report dated 20.04.2022. The relevant extracts of the report are as below:-

“Vide order dated 01.04.2022, Hon'ble Punjab and Haryana High Court has directed the trial

Court to record the statements of the parties, and submit a report. In compliance of said order, the statements of accused Karamjeet Singh, Gurdev Singh and Harmanpreet Singh, and complainant Didar Singh and Jashanpreet Singh were recorded on 20.04.2022. In their statements, complainant Didar Singh and Jashanpreet Singh stated that they have entered into a compromise with accused Karamjeet Singh, Gurdev Singh and Harmanpreet Singh in present case which was done at the behest of elders and respectables of the society. They do not wish to pursue present case against the accused and they have no reservations if present FIR against the accused is quashed. On the other hand, accused Karamjeet Singh, Gurdev Singh and Harmanpreet Singh vide their separate statement dated 20.04.2022 submitted that they have entered into a compromise with complainant Didar Singh and Jashanpreet Singh in the present case whereby they do not wish to continue present case against them. They have no objection if the present case is quashed by the Hon'ble High Court. From the statements of parties and as per report under Section 173 Cr.P.C.:

(i) The FIR in question was registered against six persons. However, two persons namely Navtej Singh and Pargat Singh were found innocent and they were kept in column No.2 of the challan and as per final report under Section 173 Cr.P.C. four persons namely accused Karamjeet Singh, Gurdev Singh and Harmanpreet Singh i.e. parties of CRM in question alongwith accused Lovepreet Singh were challaned.

(ii) None of the accused is declared proclaimed offender.

(iii) The compromise appears to be genuine,

voluntary and without any coercion or undue influence.

*This report is submitted for the kind perusal of
Hon'ble Punjab and Haryana High Court.*

As per report, six persons were named in FIR. However, police report was filed against four persons. Three persons, out of four persons named in the police report, have filed present petition even though compromise has been arrived at between all the parties. Learned counsel for respondent Nos.2 and 3 submits that his grievance stands settled and he undertakes that he would not pursue his case against fourth accused, namely, Lovepreet Singh.

Learned State counsel submits that she has no objection if the present FIR and consequential proceedings 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 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 320Cr.P.C, which is the exclusive domain of Legislature.

There is no patent or latent ambiguity in the language of Section 320Cr.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 320Cr.P.C. is not an embargo against invoking inherent powers by the High Court Page vested in it under Section 482Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482Cr.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 extraordinary 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 predominantly 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.487 dated 26.09.2020 under Sections 148, 149, 323, 324, 341, 506 of IPC 1860 and Section 325 of IPC 1860 registered at Police Station Pehowa District Kurukshetra (Annexure P-1) and all other subsequent consequential proceedings arising therefrom are quashed qua the petitioners.

14.11.2022**P.Seth****(JAGMOHAN BANSAL)
JUDGE**

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