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

**CRM-M-16368-2021(O&M)
Date of Decision: 23.11.2022**

MANGAL SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab.

Mr. Ajay Kumar, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.5 dated 06.01.2020, under Sections 447, 511, 323, 506 and 148 of Indian Penal Code, 1860 registered at Police Station Division "A" Amritsar (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 10.03.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 19.04.2021, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Judicial Magistrate First Class, Amritsar has submitted its report, vide letter dated 23.07.2021 which indicates that the parties appeared before the Magistrate and got recorded

their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Relevant extract of the said report is reproduced as under:-

“With reference to the subject cited above, it is most humbly submitted that in compliance with the order dated 19.04.2021 passed in CRM-M- 16368 of 2021, titled as Mangal Singh and others versus State of Punjab and another”, complainant Charan Kumar son of Tilak Raj, appeared in the court and got recorded his individual statement to the effect that an FIR no.05 dated 06.01.2020, under Section 447/511/323/506/148 IPC was registered at Police Station 'A-Division, Amritsar at his instance against accused Mangal Singh son of Malook Singh, Sukhdev Singh son of Mangal Singh and Sukhwinder Singh son of Mangal Singh. Now, the matter has been compromised between them and accused, voluntarily, without any threat, coercion or undue influence and they have no objection if the FIR of the present case is quashed.

The accused/petitioners Mangal Singh, Sukhdev Singh and Sukhwinder Singh, also appeared in the court and got recorded their individual statements that the present case has been got registered against them at the instance of complainant Charan Kumar and now the matter has been compromised between them, voluntarily without any threat or coercion. They further stated that they have never been declared as proclaimed offenders and no other case is pending against them.

The statement of Investigating Officer/ASI Rajesh Kumar has been recorded, in which he stated that the present case was got registered at the instance of complainant Charan Kumar against accused Mangal Singh, Sukhdev Singh and Sukhwinder Singh. He further stated that accused have never been declared proclaimed offenders and no other criminal case is pending against them.

In the matter in question as per Investigating Officer, complainant Charan Kumar got registered the present case against accused Mangal Singh, Sukhdev Singh and Sukhwinder Singh. As stated by Investigating officer, accused have never been declared as proclaimed offenders and no other case is pending against them. Complainant Charan Kumar as well as accused Mangal Singh, Sukhdev Singh and Sukhwinder Singh, appeared in the court and

all of them got recorded their individuals statements with regard to compromise with each other. On the basis of the statements suffered by the parties in the court, it appears that the compromise is genuine, voluntary without any threat or coercion. The parties were identified by the learned counsel for the parties.”

A perusal of the said report would show that statements of all the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise was entered into voluntarily and without any pressure.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the parties. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in "**Kulwinder Singh and others Vs. State of Punjab**", reported as 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C., 1973 to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

Hon'ble Apex Court in the case of ***Gian Singh Versus 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 pre-dominatingly 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 personnel 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.”

In ***Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639, at P 642***, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

Considering the entire facts, compromise, the statements of the parties recorded before the Illaqa Magistrate / Trial Court and also the report dated 23.07.2021 submitted by Judicial Magistrate First Class, Amritsar, since the parties have arrived at a compromise by amicably settling their dispute and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.5 dated 06.01.2020, under Sections 447, 511, 323, 506 and 148 of Indian Penal Code, 1860 registered at Police Station Division "A" Amritsar (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the **Poor Patient Welfare Fund, Chandigarh** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

All pending application(s), if any, shall stand disposed of.

23.11.2022

Amandeep

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No