

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-17733-2022 (O&M)

Date of Decision: 12.10.2022

Jagtar Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Lovepreet Singh Sidhu, Advocate
for the petitioners

Mr. Rajiv Verma, DAG Punjab

Mr. Akash Manocha, Advocate for
Mr. Mehtab Singh Khaira, Advocate
for the respondents No.2 to 4

Sandeep Moudgil, J. (Oral)

(1) Learned counsel for the petitioners submits that in DDR No. 22 of 01.03.2016, arising out of FIR No. 25 of 01.03.2016, the petitioners were convicted, and, sentenced for the offences, through orders of 10.08.2018 (Annexure P-4), and, of 17.01.2022 (Annexure P-5), respectively made by the Principal Magistrate, Juvenile Justice Board, Fatehgarh Sahib, and, by the learned Chief Judicial Magistrate, Fatehgarh Sahib. An appeal preferred by the petitioners, against the afore orders, is pending. In the meanwhile, the matter has been amicably settled between the parties.

(2) During the pendency of the appeal, the parties have compromised the matter as per compromise Deed (Annexure P6). Vide order dated 28.04.2022 of this Court, parties were directed to appear before the

Illaq Magistrate/Trial Court for report after recording statements with regard to the genuineness of the compromise.

(3) The report dated 24.05.2022 has been received from learned Addl. District & Sessions Judge, Fatehgarh Sahib, stating that the parties have entered into a compromise without any undue influence or pressure.

(4) The Hon'ble Full Bench of this Court in case **Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** and Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

(5) The 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 2 of 4 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 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 3 of 4 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."

(6) The same view has been reiterated by Hon'ble the Apex Court in case **Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482.**

(7) 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 wastage of judicial time and sheer abuse of process of law.

(8) In view of above, the prayer made in the present petition is allowed and the above mentioned DDR in FIR No. 25 of 01.03.2016, (Annexure P1) and all subsequent proceedings arising therefrom including judgment of conviction and order of sentence (Annexure P5), are quashed *qua* the petitioners in view of compromise (Annexure P6).

(9) Disposed off.

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

12.10.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No