

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

CRM-M No.17914 of 2022 (O&M)

Decided on: 29.04.2022

Pradhan Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Arvind Kashyap, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners have prayed for quashing of FIR No.169 dated 01.08.2015 for offence punishable under Sections 323, 341, 506, 427, 34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Gobindgarh, District Fatehgarh Sahib and all other consequential proceedings arising therefrom, on the basis of the compromise effected between the parties.

Counsel for the petitioner has argued that a valid compromise was arrived at between the parties and in pursuance thereof, the petitioners moved an application for compounding of the offences.

The Illaqa Magistrate recorded the statement of all the 05 accused persons on 10.11.2021 that they have effected a compromise with the complainant and the victim Laxmi and Sohan. Similar statement was recorded by the complainant that they have compromised the matter with the accused, which was placed on record as Ex.C-1 and

have no objection, if the offences are compounded, however, the Illaqa Magistrate/trial Court while passing the impugned order dated 22.02.2022, has opined that since the offence under Section 506 IPC is punishable with imprisonment for more than 07 years, it cannot be compounded as per Section 320 Cr.P.C. and the trial Court has no power to compound the same.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent – State while Mr. Johny, Advocate has appeared on behalf of respondents No.2 to 4 and acknowledge that in terms of the statement recorded before the Illaqa Magistrate/trial Court, the complainant's side is already acknowledging that there is a valid compromise which is on record of the trial Court as Ex.C-1.

Even, counsel for the State has not raised any serious objection to the submissions made by counsel for the petitioners.

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 respondents/victim, 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.169 dated 01.08.2015 for offence punishable under Sections 323, 341, 506, 427, 34 IPC at Police Station Gobindgarh, District Fatehgarh Sahib and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

29.04.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No