

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

237

**CRM-M-20757-2021 (O&M)
Date of decision: 24.03.2022**

RAVINDERPAL SINGH @ LADDI AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. I.S. Dhaliwal, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG Punjab.

Mr. B. S. Aulakh, Advocate
for respondent No.2.

VINOD S. BHARDWAJ. J. (ORAL)

By means of the instant petition, the jurisdiction of this Court under Section 482 Cr.P.C. has been invoked for seeking quashing of FIR No.91 dated 29.06.2018 under Sections 307, 323 and 34 of the IPC and Sections 25/27 of the Arms Act and registered at Police Station Kabarwala, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom, on the basis of compromise dated 11.05.2021 (Annexure P-2) entered between the parties.

2 Vide order dated 07.02.2022 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 25.02.2022 to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

3. Pursuant to the said order, report has been received from the Judicial Magistrate 1st Class, Malout, District Sri Muktsar Sahib vide Memo No.917 dated

07.03.2022. The relevant extract of the report reads thus:-

2. In compliance with aforesaid order, parts have come present. Statement of complainant namely Major Singh recorded in which he has stated that the present FIR has been registered on the basis of his Statement. He has further stated that he has entered into compromise in this matter with the accused persons namely Ravinderpal Singh @ Laddi, Bikramjeet Singh, Gurjeet Singh and Jaspal Singh with the intervention of village Panchayat. He has further stated that the matter has been amicably sorted out between him and the accused person. He has no grudge with the accused person. He has further stated that the compromise has been arrived at voluntarily without any pressure, coercion with the other party and with his own sweet will. He has further stated that four accused arrayed in this present case and e PO proceedings are pending against any person in the present case, He has further stated that challan has not been presented in the present case so far, He has further stated that he does not want to proceed with the present case and he has no objection if the present FIR and other proceedings are quashed against the accused person.

3. A separate and joint statement of accused person namely Ravinderpal Singh @ Laddi, Bikramjet Singh, Gurjeet Singh and Jaspal Singh have also have recorded in which they have stated that the present FIR has been registered on the basis of the statement of the complainant Major Singh against them. They have further stated that they have arrived at a compromise in this mater with the complainant with the Intervention of the village Panchayat. They have further stated that the matter has been amicably sorted out between them and the complainant. They have further stated that they have no grudge with the complainant, They have further stated that the compromise is voluntarily, without any pressure, coercion, with the other party and with their own sweet Will. They have further stated that only four persons involved the present case and no PO proceedings are pending against any person in the

present case. They have further stated that challan of the present case has not been presented so far.

4. In order to prove their identity, both the parties have placed on file their identity proof. Both parties are identified by their respective counsels. This court is satisfied that aforesaid statements made by the parties are voluntarily and their compromise has been arrived at genuine, voluntarily, threat, without any coercion or undue influence from either side. From the perusal of the case, it reveals that the challan has not been presented in the present case so far. It is further mentioned that ASI Mohinder Singh (Investigating Officer of the present case) suffered a statement that as per record total four accused persons involved in this present FIR case. No PO Proceedings are pending against any person who are involved in the present case. He further stated that the challan of the present case has not been presented so far.

4. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

5. Mr. B.S. Aulakh, Advocate appears on behalf of respondent No.2 and reiterates the settlement and his concurrence to the FIR and all the other consequential proceeding being quashed.

6. The Full Bench of this Court in the matter of ***“Kulwinder Singh and others versus State of Punjab and another”*** reported as ***(Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052*** has been observed as under:

'(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".

(29) *In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors.*, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) *The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.*

(31) *No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.*

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable*

offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

(34) The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

7. The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another, (2012) 10 SCC 303**'. Still further, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', the same are extracted as under:

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :

16.1 Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

16.2 The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3 In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

16.4 While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

16.5 The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

16.6 In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

16.7 As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8 Criminal cases involving offences which arise from

commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9 In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10 There is yet an exception to the principle set out in propositions 16.8 and 16.9 above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

8. 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 a waste of judicial time and there appears to be no chances of conviction.

9. The Hon'ble Supreme Court has held in the matter of '**Ramgopal And Another Vs State of Madhya Pradesh, 2021 SCC Online SC 834'**, that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of the Hon'ble Supreme Court is extracted as under:-

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the

statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

10. A perusal of the FIR shows that the dispute in question occurred as a result of a private altercation amongst the parties, whereupon, certain blows were given to the complainant. It is also alleged that one of the accused persons came in their car and fired shots. Three pellets are stated to have hit on the ankle of the injured. The same would thus not attract Section 307 IPC at all. It is also stated in the status report filed by way of affidavit of Jaspal Singh Dhillon, PPS, Deputy Superintendent of Police, Sub-Division Malout on behalf of State of Punjab, that cancellation report had been prepared by the Police after finding the FIR to be false and report dated 20.07.2019 was also approved by the SSP Sri Muktsar Sahib. Even thereafter, the cancellation report was filed by the police but the same remained pending as the complainant did not appear before the Court. The parties have now voluntarily agreed to give a quietus to the dispute in question and not to proceed further in the matter. It is also apparent that the respective parties do not have any criminal antecedents and are not involved in any other case. The parties are residents of the same village and adjacent locality and acceptance of the compromise will only promote harmony in the locality. Continuation of the criminal proceedings is only likely to abuse the process of law and would not advance interest of justice. Protraction of criminal proceedings shall cause

addition to their agony.

11. In view of the report of the Judicial Magistrate 1st Class, Malout, District Sri Muktsar Sahib and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, as well as *Ramgopal And Another Vs State of Madhya Pradesh 2021 SCC Online SC 834* and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR No.91 dated 29.06.2018 under Sections 307, 323 and 34 of the IPC and Sections 25/27 of the Arms Act and registered at Police Station Kabarwala, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom, **are hereby quashed** in view of compromise 11.05.2021 (Annexure P-2). However, the same would be subject to payment of costs of Rs. 10,000/- each to be deposited by the petitioners with the 'Poor Patients Welfare Fund' of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within one month from receipt of certified copy of this order.

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

March 24, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>