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

**CRM-M-26788-2021 (O&M)
Date of Decision: 20.12.2022**

JOGINDER PAL SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Umesh Aggarwal, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab.

Ms. Nandini Sharma, Advocate for
Mr. Prateek Sodhi, Advocate
for respondents No.2 and 3.

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.0050 dated 06.04.2020, under Sections 452, 384, 120-B and 34 of Indian Penal Code, 1908 registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 12.05.2021 (Annexure P-2) arrived at between the parties.

The relevant extract of compromise dated 12.05.2021 (Annexure P-2) reads as under:-

1) That party No. 2 is real brother-in-law (devar) of party No. 1 and party No. 1 and party No. 2 are residents of same locality and both the parties are residing peacefully in locality and also want to reside peacefully in future.

2) That party No. 1 has got registered FIR No. 0050 Dated 06.04.2020 U/ 452,384,120-B.34 IPC PS Sultanwind.

Amritsar against her brother-in-law (devar) Joginderpal Singh alias Lalli who is party No. 2 on the basis of her statement and in this case today respectable persons have compromised the matter between both the parties and in this compromise it is agreed upon that today onwards both the parties being close relatives shall not fight with each other and party No. 1 has got registered above mentioned FIR against party No. 2 Joginderpal Singh alias Lalli and (2) Gurbaj Singh son of Sh. Jarnail Singh resident of Village Varpal, District Amritsar, (3) Akashdeep Singh son of Sh. Dharam Singh resident of Village Varpal, District Amritsar and (4) Jagtar Singh son of Sh. Natha Singh resident of Village Varpal, District Amritsar and if Hon'ble Court quash this FIR then party No. 1 shall not have any objection in this because mainly party No. 1 had complaint against only and only her brother-in-law (devar) i.e. party No. 2.

Vide order dated 25.04.2022, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the compromise.

In compliance thereof, the Judicial Magistrate First Class, Amritsar has submitted its report, vide letter dated 26.05.2022 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:-

"I have the honour to submit that in compliance to the Order dated 25.04.2022 passed by Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-M-26788 of 2021, the complainant/respondent no.2 Sandeep Kaur wife of Kuideep Singh and her son Daljit Singh respondent no.3 and accused namely Joginder Pal Singh son of Baldev Singh, Gurbaj Singh son of

Jarnail. Singh, Jagtar Singh son of Natha Singh and Akashdeep Singh son of Dharam Singh appeared before the court of undersigned on 21.5.2022 and their statements regarding compromise have been recorded separately. In her statement, complainant/respondent no.2 Sandeep Kaur submitted that FIR No. 50 dated 6.4.2020 under Sections 452/384/323/120-B/34 IPC was registered at Police Station Sultanwind, Amritsar at her instance against above said accused persons and now the matter has been compromised between them with the intervention of respectables vide compromise deed Ex. C1. Complainant further stated that she does not want to proceed further with the present case against the said persons and she has no objection, if the aforesaid FIR is quashed against the abovesaid accused/petitioners. Daljit Singh respondent no.3 also got recorded his that the matter has been compromised between them with the intervention of respectables vide compromise deed Ex. C1. The present FIR was registered against the abovesaid accused on the statement of her mother and he does not want to proceed further with the present case against the said persons and he has no objection, if the aforesaid FIR is quashed against the abovesaid accused persons. The complainant/respondents also submitted in their respective statements that the compromise is genuine, voluntarily in nature and arrived at between them with their free will. Thereafter, separate Statements of abovesaid accused Joginder Pal Singh, Gurbaj Singh, Jagtar Singh and Akashdeep Singh regarding compromise have also been recorded. The accused persons in their statements submitted that the compromise arrived at between the parties with their free will and free consent. They also submitted that no other proceedings are pending against them. Both the parties also submitted their identity proofs and they have also been identified by their counsel.

2. Further the statement of IO ASI Ashwani Kumar. No. 2806, ASR, posted as Incharge at P.P. Kot Mit Singh, P.S. Sultanwind, Amritsar has also been recorded. In his statement, he submitted that as per record, no other proceedings are pending against the present accused persons. There are total five accused persons in the present FIR. However, the arrest of one accused Jagtar Singh @ Dodhi is still pending, who is not the petitioner in the present petition.

3. It is further submitted that while recording the statements of both the parties, it has been ensured that in present FIR, the complainant Sandeep Kaur and her son Daljit Singh and four

accused persons namely Joginder Pal Singh, Gurbaj Singh, Jagtar Singh and Akashdeep Singh have appeared before the court. Further, as per their statements, the compromise has been arrived at between them. The compromise is genuine, voluntary and without any pressure, being outcome of their free will. Furthermore, as per the statement of 10 ASI Ashwani Kumar, there are total five accused persons in the present FIR. The arrest of one accused Jagtar Singh @ Dodhi is still pending who is not the petitioner in the present petition. Further, as per the statements of accused persons/petitioners, no other proceedings are pending against them. Copies of the statements of parties are attached for kind perusal. ”.

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. It is further submitted that respondent No.2 has no objection if the FIR is quashed against the petitioners.

On behalf of State of Punjab, initially a reply dated 09.12.2021 was filed by way of affidavit of Mangal Singh, PPS Assistant Commissioner of Police, South, Amritsar; however in view of compromise arrived at between the parties, learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

I have heard the learned counsel for the parties and have perused the file.

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-dominantly 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 26.05.2022 submitted by Judicial Magistrate First Class, Amritsar since the parties have arrived at a compromise by amicably settling their disputes 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.0050 dated 06.04.2020, under Sections 452, 384, 120-B and 34 of Indian Penal Code, 1908 registered at Police Station Sultanwind, 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 Patients Welfare Fund, PGIMER, 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.

20.12.2022

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No