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

CRM-M-19657-2022

Date of Decision: 04.11.2022

SANDEEP BHATTI ALIAS SANDEEP KAUR BHATTI

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: ASI Chaman Singh.

JAGMOHAN BANSAL, J. (Oral)

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No.0151 dated 28.09.2021 under Sections 323 and 324 of IPC registered at Police Station Mehtiana, District Hoshiarpur (Annexure P-1), and all other consequential proceedings arising therefrom, on the basis of compromise/ affidavit dated 18.02.2022 (Annexure P-2).

This Court vide order dated 09.05.2022 directed the Trial Court to record statements of parties and send its report. The relevant extracts of order dated 09.05.2022 read as:

“The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) The stage of trial/proceedings;*
- (iv) Whether the compromise is genuine, voluntary,*

*and without any coercion or undue influence.
(v) Whether the compromise has been effected
with all the accused persons and with all the
complainant(s)/injured. ...”*

The respondent-State was also directed to file status report, if so desired. No status report has been filed, however, statement of Investigation Officer was recorded by Trial Court and said statement is part of report dated 27.05.2022 submitted by learned Trial Court.

In compliance of the aforesaid order, learned Judicial Magistrate Ist Class, Hoshiarpur, has submitted the report as below :-

“As per the statements suffered by the parties i.e. the complainant and the accused/petitioner, they have compromised the matter, voluntarily, without any coercion or undue influence and the compromise was effected between the parties as per their free will and consent. Therefore, in light of the statements suffered by the parties and as per the terms of the compromise Mark C1 effected between them, it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence. ASI Harbhajan Singh from Police Station Mehtiana appeared and recorded his statement that present FIR was registered against only against one person i.e. accused/petitioner Sandeep Bhatti alias Sandeep Kaur Bhatti. The said accused/petitioner is not a proclaimed offender in the present case or in any other case nor any other FIR is registered against him.

Hence in view of statement suffered by complainant/accused and perusal of the original complain file, it is reported that :-”

1.	<i>Number of persons arrayed as accused;</i>	<i>One accused namely Sandeep Bhatti alias Sandeep Kaur Bhatti</i>
2.	<i>Whether any accused is proclaimed offender;</i>	<i>There is only accused Sandeep Bhatti alias Sandeep Kaur Bhatti who is not declared proclaimed offender</i>
3.	<i>The Stage of trial/proceedings</i>	<i>As per the Statements of I.O, the arrest of the accused has not been made so far and the case is pending for investigation and challan is yet to be presented.</i>
4.	<i>Whether the compromise is genuine, Voluntary and without any coercion or undue influence.</i>	<i>Compromise is genuine, voluntary and without any coercion or undue influence.</i>
5.	<i>Whether the compromise has been effected with all the accused persons and with all the complainants(s)/injured.</i>	<i>There is only one accused namely Sandeep Bhatti alias Sandeep Kaur Bhatti and compromise has been effected with him by the complainant/respondent No.2.</i>

ASI Chaman Singh, who is present in Court submitted that State has no objection if FIR and consequently proceedings in view of compromise are quashed.

Relying upon its earlier judgments in '**Gian Singh Vs. State of Punjab and others, (2012) 10 SCC 303**' and '**The State of Madhya Pradesh Vs. Laxmi Narayan and others (2019) 5 SCC 688**', a two Judge Bench of the Hon'ble Supreme Court in '**Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC online SC 834**' while dealing with power of High Court under Section 482 of Cr.P.C. to quash non-compoundable

offences on the basis of compromise between the disputing parties has held:

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under [Section 320 Cr.P.C.](#) Any such attempt by the court would amount to alteration, addition and modification of [Section 320 Cr.P.C.](#), which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of [Section 320 Cr.P.C.](#), which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of [Section 320 Cr.P.C.](#) is not an embargo against invoking inherent powers by the High Court Page vested in it under [Section 482 Cr.P.C.](#) The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press [Section 482 Cr.P.C.](#) in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under [Section 482 Cr.P.C.](#), even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. *It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under [Section 482 Cr.P.C.](#) would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under [Section 482 Cr.P.C.](#) may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in [Narinder Singh & Ors. vs. State of Punjab & Ors.](#)³ and *Laxmi Narayan (Supra)*.*

14. *In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups*

only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuing the proceedings. The furtherance of the proceedings is likely to be a wastage of judicial time and there appears to be no chances of conviction.

In view of the report of the learned Judicial Magistrate Ist Class, Hoshiarpur 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**, the instant petition is allowed.

FIR No.0151 dated 28.09.2021 under Sections 323 and 324 of IPC registered at Police Station Mehtiana, District Hoshiarpur (Anneuxre P-1) and all other consequential proceedings arising therefrom are quashed qua the petitioner.

(JAGMOHAN BANSAL)
JUDGE

04.11.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No