

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

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CRM-M-45708-2017 (O&M)
Date of Decision : 16.11.2022

Major Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Baldev Singh Sidhu, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Akhil Kashyap, Advocate for
Mr. Parveen K. Kataria, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., seeking quashing of Complaint No.RT-93 of 28.05.2012 titled as “Parkash Kaur Vs. Major Singh & Ors.” registered under Sections 463/464/465/467/471/120-B of IPC (Annexure P-1) and judgment and order of conviction dated 09.12.2015 (Annexure P-2) on the basis of compromise dated 02.09.2017 (Annexure P-3).

In terms of order dated 17.07.2018, learned Additional District & Sessions Judge, Moga has submitted his report dated 07.09.2018. The relevant extracts of the report are as below :-

“(a) Present criminal complaint has been filed against four persons namely Major Singh, Gurnam Singh, Bant Singh and Pritam Singh. During trial three persons

namely Gurnam Singh, Bant Singh and Pritam Singh have died and proceedings against them stand abated. Present appeal thus has been filed by only accused/appellant Major Singh.

(b) Report was called from concerned Police Station and it has been reported that appellant Major Singh has not been declared as proclaimed offender in any other criminal case;

(c) In the light of statement suffered by complainant Parkash Kaur it is apparent that she had entered into compromise qua the present complaint case with the accused without any inducement, threat, promise, undue pressure, coercion, fear, undue influence and out of her free will and volition in the interest of maintaining peaceful relations with accused in the coming time and to remove any lingering acrimony in their minds in future and in order to buy peace and in the interest of long lasting relations with the accused and has categorically stated that she has no objection in case complaint case is quashed by the Hon'ble High Court;

(d) It has been reported that against appellant/accused Major Singh no criminal complaint or any other FIR is lying registered; and

(e) There is only one complainant namely Parkash Kaur widow of Balwant Singh. She has solely filed present complaint inter alia on the ground that accused had forged unregistered Will dated 8.12.2004 allegedly executed by her husband Balwant Singh.”

It has come out from record that petitioner was convicted under Sections 463, 464, 465, 467, 468, 471, 120-B IPC. The petitioner has preferred an appeal before Sessions Court which is pending before the Appellate Court.

Learned State counsel submits that he has no objection if the

present FIR and consequential proceedings 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 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."

From the perusal of the enclosed FIR, report of the Trial Court and compromise arrived between the parties, it transpires that contesting parties have amicably resolved their issue, thus, no useful purpose would be served by continuing the proceedings. The alleged offences are of predominantly private in nature and no moral turpitude or interest of public at large is involved. There appears to be no chance of conviction, the continuance of the proceedings would just waste valuable judicial time and it is well-known fact that courts are already over burdened.

In view of above facts and circumstances, the present petition deserves to be allowed and accordingly is allowed. Complaint No.RT-93 of 28.0.2012 titled as "Parkash Kaur Vs. Major Singh & Ors." dated 03.10.2016, registered under Sections 463/464/465/467/471/120-B of IPC (Annexure P-1) is quashed and judgment and order of conviction dated

09.12.2015 (Annexure P-2) is set aside.

(JAGMOHAN BANSAL)
JUDGE

16.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>