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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-34600-2019

Date of Decision: 03.11.2022

GURMINDER SINGH

..... Petitioner

*Versus*

STATE OF PUNJAB AND ANOTHER

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Nemo.

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**JAGMOHAN BANSAL, J. (Oral)**

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No.124 dated 28.03.2018 under Sections 323 and 506 of IPC read with Section 67 of Information Technology Act, 2000 registered at Police Station Dakha Ludhiana-rural (Annexure P-1), and all other consequential proceedings arising therefrom, on the basis of compromise/ affidavit dated 25.07.2019 (Annexure P-2).

On 26.08.2019, this Court passed the following order :-

*“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.124 dated 28.3.2018, under Sections 323, 506 IPC read with Section 67 of Information Technology Act, 2000, registered at Police Station Dakha, District Ludhiana Rural. (Annexure P-1).*

*Notice of motion for 11.11.2019.*

*At the asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab accepts notice on behalf of the*

*respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.*

*At this stage, Mr. V.K. Kaushal, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.*

*Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 20.9.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-*

- 1.Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3.Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

*A copy of the report be also sent through fax to the Registrar Judicial of this Court.”*

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

“Statement of Investigating Officer ASI Nirmal Singh No.430/Ldh (R), was however recorded by this Court, as already directed, who had in turn stated to be effected that as per the record available with the police station of P.S. Dakha, Ludhiana, no other case is pending against the complainant Sarabjit Kaur, or accused Gurminder Singh in the said police station, except the present FIR No.124 of 28.03.2018. He further stated to the effect one person namely Gurminder Singh was arrayed as accused in the present FIR. Also, as per his statement, no P.O Proceeding, or, any other FIR

is pending against any of the parties.

From the aforementioned statements got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence. Further, from the information made available before this Court, by the means of the statement of the ASI Nirmal Singh from P.S. Dakha, it is most humbly submitted that only one accused is arrayed in the present FIR and his name is Gurminder Singh. It is further submitted that the accused is not declared as a proclaimed offender and that no other criminal proceedings are alleged to be pending against any of the parties in P.S. Dakha Ludhiana.”

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 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 320Cr.P.C. is not an embargo against invoking inherent powers by the High Court Page vested in it under Section 482Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482Cr.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 extra-ordinary 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.<sup>3</sup> 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 continuation of 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, Ludhiana 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) 4 CTC 769], the instant petition is allowed.

FIR No.124 dated 28.03.2018 under Sections 323 and 506 of IPC read with Section 67 of Information Technology Act, 2000 registered at Police Station Dakha Ludhiana-rural (Anneuxre P-1) and all other consequential proceedings arising therefrom are quashed qua the petitioner.

( JAGMOHAN BANSAL )  
JUDGE

03.11.2022  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |