

CRM-M-47315-2021

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

**CRM-8527-2022 in/and
CRM-M-47315-2021 (O & M)
Date of decision: 11.03.2022**

Manjeet Kaur and another

...Petitioners

Versus

Vijay Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Yagsimant Attri, Advocate for
Mr. Rajinder Goyal, Advocate,
for the petitioners.

Mr. Gautam Kaile, Advocate,
for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

CRM-8527-2022

This is an application under Section 482 Cr.P.C. for an early hearing of the main petition i.e. CRM-M-47315-2021, which is now fixed for hearing on 17.10.2022.

Notice in the application.

Learned counsel for the respondent submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the date of hearing of the main petition is preponed from 17.10.2022 to that of today and the same is taken on the Board for hearing.

CRM-M-47315-2021

Through this petition, the petitioners seek quashing of complaint No.215 dated 09.06.2016, under Sections 420, 494, 495 and 109

CRM-M-47315-2021

IPC, Police Station Cheeka, titled as 'Vijay Kumar Vs. Manjeet Kaur and others', pending in the Court of the Judicial Magistrate Ist Class, Guhla, and all the consequential proceedings arising therefrom, including the summoning order dated 06.06.2018 (Annexure P-2) and the order dated 13.08.2021 (Annexure P-3), on the basis of compromise dated 07.10.2021 (Annexure P-4) arrived at between the parties.

Vide order dated 12.11.2021 passed by this Court, the trial Court/Illaqa Magistrate had been directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

In compliance thereof, the learned Sub Divisional Judicial Magistrate, Guhla, has submitted a report, vide letter dated 02.12.2021, indicating that the parties had 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.

The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and Hon'ble Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102*** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

The 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:-

CRM-M-47315-2021

“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-dominatingly 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

CRM-M-47315-2021

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.”

The same view has also been reiterated by Hon'ble the Apex Court in case *Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482.*

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the present petition is allowed. The complaint No.215 dated 09.06.2016, under Sections 420, 494, 495 and 109 IPC, Police Station Cheeka, titled as 'Vijay Kumar Vs. Manjeet Kaur and others', pending in the Court of the Judicial Magistrate Ist Class, Guhla, and all the consequential proceedings arising therefrom, including the summoning order dated 06.06.2018 (Annexure P-2) and the order dated 13.08.2021 (Annexure P-3), are quashed qua the petitioners on the basis of compromise dated 07.10.2021 (Annexure P-4), subject to them depositing the costs of Rs.10,000/- with the Lawyers' Welfare Fund, Punjab and Haryana High Court, Chandigarh.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

11.03.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No