

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.50725 of 2021 (O&M)

Date of Decision:07.02.2022

(Heard through VC)

Dilshad and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Inderjeet Singh, Advocate
for the petitioners.

Mr. Vishal Malik, DAG, Haryana.

Mr. Jamshed Ahmed, Advocate
for the complainant.

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JAISHREE THAKUR, J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.254 dated 22.10.2021 registered under Sections 379B, 120B, 34 and 201 IPC at Police Station Pratap Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise arrived at between the parties.

2. The FIR has been registered on the statement of complainant on the allegations that the petitioners herein had caused him injuries by giving beatings and with blow of butt of a country made pistol and snatched his purse containing Rs.20,000/-. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a

compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Sub Divisional Magistrate, Bilaspur stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned counsel for the complainant-respondent No.2 admits to the factum of compromise.

5. Learned counsel appearing for the respondent-State though admits to the factum of compromise but opposes quashing of the instant FIR while arguing that inherent power vested in the High Court under Section 482 Cr.P.C. ought to be exercised sparingly and with caution. FIR involving serious offences which have a bearing on vital societal interest ought not to be quashed merely on the basis of compromise arrived at between the accused and the complainant. In support of his arguments, he relies upon judgments rendered by the Hon'ble Supreme Court in **Parbatbhai Ahir @ Parbatbhai Bhimsinhbhai Karmur and others (2017) 9 SCC 641** and **State of Madhya Pradesh Vs. Laxmi Narayan and others (2019) 5 SCC 688**. It is further argued that the offences alleged to be committed by the petitioners herein have a bearing on vital societal interest and the prosecution can prove its case on the basis of evidence and testimonies of the other witnesses even if the complainant has compromised the matter and therefore, prays for dismissal of the instant petition as it is not a fit case for exercising the discretionary power under Section 482 Cr.P.C.

6. I have heard learned counsel for the parties and have gone through the paper book as well as the case laws cited.

7. There is no dispute to the proposition of law that the inherent power vested in the High Court under Section 482 Cr.P.C. ought to be exercised sparingly and with caution. The judgment relied upon by the counsel appearing on behalf of the respondent-State in **Parbatbhai Ahir's case** (supra) was a case wherein the allegations against the appellants were of extortion, forgery and fabrication of documents, utilization of fabricated documents to effectuate transfers of title before the registering authorities and the deprivation of the complainant of his interest in land on the basis of a fabricated power of attorney and thus, implicate serious offences having a bearing on a vital societal interest and cannot be construed to be merely private or civil disputes. The Hon'ble Supreme Court while upholding the judgment of the High Court in declining to entertain the prayer for quashing of the FIR had adverted to two significant circumstances; (i) that the appellants were absconding and warrants had been issued against them under Section 70 of the Code of Criminal Procedure and (ii) that the appellants had criminal antecedents in grabbing valuable parcel of lands and they were alleged to have been connected with nefarious activities of opening bogus bank accounts. The Hon'ble Supreme Court in para 16 of the judgment summarized the following broad principles to be followed while exercising the discretionary power by the High Court under Section 482 Cr.P.C.:-

“16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8, and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private

disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

8. In the case of **Laxmi Narayan's case** (supra), allegation against the accused were of commission of offence under Section 307 and 34 IPC and therefore, the Hon'ble Supreme Court refused to quash the FIR by holding that the offence falling in category of heinous crimes cannot be quashed on sole ground of compromise and the High Court had erred in quashing the FIR mechanically and solely on the basis of settlement between the complainant and the accused, without even considering the gravity and seriousness of the offences alleged against the accused persons.

9. At the very outset, this Court is not in agreement with the learned State counsel with reference to aforesaid judgments, as the facts in the case at hand are totally distinguished from the judgments referred to by him. In the present case, the allegations against the petitioners herein are that they snatched purse from the complainant containing Rs.20,000/- and caused him injuries by giving beating and blow with butt of country made pistol, which were opined simple in nature and therefore, the case does not fall within the category of heinous crime, nor of economic offences involving the financial and economic well-being of the State, or having a great impact on society. Rather, the Hon'ble Supreme Court has categorically held that the decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated. Therefore, in view of the facts and circumstances of the

present case, this Court deems it a fit case to exercise its discretionary jurisdiction under Section 482 Cr.P.C.

10. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

11. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No.254 dated 22.10.2021 registered under Sections 379B, 120B, 34 and 201 IPC at Police Station Pratap Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioners, subject to payment of costs of Rs.10,000/- to be deposited with the Haryana Police Welfare Fund.

February 07, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No