

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52594-2022 (O&M)
Date of decision: 07.12.2022

Neeraj Kumar Walia

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ankush Singla, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

Mr. A.S. Ahluwalia, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J.

The petitioner has prayed for quashing of FIR No.116 dated 07.07.2022 for the offences punishable under Section 420 of the Indian Penal Code ('IPC' for short), registered at Police Station Kotwali Bathinda, District Bathinda and all the subsequent proceedings arising therefrom.

The petitioner as well as respondent No.2 are present in person before this Court.

On joint request of the parties, the case was referred to the Mediation and Conciliation Centre of this Court.

The Mediator has reported that the parties have settled the dispute vide compromise/settlement dated 07.12.2022, which is duly signed by both the parties as well as their respective counsel.

The terms and conditions of the compromise/settlement are mentioned in its para No.8, according to which, the petitioner has paid two demand drafts of Rs.3.50 lacs and Rs.3.58 lacs to respondent No.2 Jaswant Singh. It is also settled that another amount of Rs.4.00 lacs will be given to respondent No.2 by the petitioner over and above the amount of Rs.14.00 lacs.

Learned counsel for the parties are *ad idem* that since the dispute is primarily a money dispute between the private parties and the same has been settled before the Mediation and Conciliation Centre of this Court, the FIR may be quashed.

I have heard learned counsel for the parties and perused the case file.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, it is held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of **Gian Singh Vs. State of**

Punjab and another, 2012 (4) RCR (Criminal) 543, has held as under:-

“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 predominatingly 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 personal 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 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.”

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.

In view of what has been discussed hereinabove, present petition is allowed and FIR No.116 dated 07.07.2022 under Section 420 IPC, registered at Police Station Kotwali Bathinda, District Bathinda and all the subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner, however, subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, concerned.

The parties will be bound by the terms and conditions of the compromise/settlement dated 07.12.2022 and in case, any of the party violate the same, it will be open for them to revive this petition.

[ARVIND SINGH SANGWAN]
JUDGE

07.12.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No