

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

CRM-M-49550-2019 (O&M)

Date of Decision : 25.08.2022

BUTA SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioners.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Suresh Kumar Jindal, Advocate for
Mr. Kushagara Mahajan, Advocate
for respondents No. 2 to 4.

SANJAY VASHISTH, J. (Oral)

Through this petition, the petitioner seek quashing of FIR No. 100 dated 06.06.2016 (Annexure P-1), for the offences punishable under Sections 279, 337, 338 and 427 IPC, registered at Police Station, Sadar Ludhiana City, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise dated 20.09.2019 (Annexure P-2).

Learned counsel for the petitioner submits that petitioners have been falsely implicated in the present case and no other case is pending/registered against him. It is further submitted that petitions qua persons similarly situated to petitioner have already been allowed by this Court. In support of his contention, learned counsel for the petitioner relies upon two judgments passed in the case of similarly situated

persons, whose FIRs were quashed by Co-ordinate Benches of this Court, vide orders dated 10.02.2020 and 26.02.2020, passed in CRM-M-9031-2019 and CRM-M-43850-2019, respectively. Therefore, he seeks for quashing of aforesaid FIR qua the petitioner as well.

Vide order dated 21.11.2019, trial Court was directed to record the statements of all concerned parties with regard to the genuineness and validity or otherwise of the compromise.

In compliance thereof, Ld. Judicial Magistrate Ist Class, has submitted a report vide letter dated 06.12.2019 which indicates that parties have appeared before him and got recorded their respective statements with regard to the validity of the compromise. As per the report, compromise arrived at between the parties is voluntary in nature and is free from any coercion, pressure or threat.

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 the proceedings of appeal against conviction also.

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:-

“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 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 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 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.”

Recently, also, Hon'ble Apex Court vide judgment dated 29.09.2021 in criminal appeal No. 1489, titled as 'Ramgopal & Anr. Vs. The State of MP' and Criminal Appeal No. 1488 of 2021 titled as 'Krishnappa and Others Vs. State of Karnataka', observed that the touchstone of exercising the extra-ordinary power under Section 482 Cr.P.C. would be to secure the ends of justice.

Para 13 is reproduced herein below:

“It appears to us that criminal proceeding 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.**³ and **Laxmi Narayan (Supra)**”.*

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

Accordingly, the petition is allowed. FIR No. 100 dated 06.06.2016 (Annexure P-1), for the offences punishable under Sections 279, 337, 338 and 427 IPC, registered at Police Station, Sadar Ludhiana City, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise dated 20.09.2019 (Annexure P-2), are hereby quashed qua the petitioners.

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

25.08.2022

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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No