

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-627-2023

Date of Decision:20.01.2023

NAVROZ SINGH AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Angad Advocate for
Mr. Vivek K. Thakur, Advocate for the petitioners.

Mr. Digvijay Nagpal, AAG, Punjab.

M.r Varinder Singh, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No.0194, dated 10.07.2021, under Sections 498A, 406, 354, 354A, 506 and 34 of IPC1860 and under Sections 3, 4 and 4A of Dowry Prohibition Act, 1961, registered at Police Station Sultanpur Lodhi District Kapurthala, (Annexure P-1), and all other consequential proceedings arising therefrom, on the basis of compromise/ affidavit dated 22.12.2022 (Annexure P-2).

In terms of order dated 09.01.2023 of this Court, learned Judicial Magistrate 1st Class, Sultanpur Lodhi has submitted his report dated 16.01.2023. The relevant extracts of the report are as below :-

“(I)The compromise between the parties appears to be genuine. Respondent Navneet Kaur got married with petitioner no.1 Navroz Singn on 16.03.2021. There is no issue from the marriage. After dispute in the married life, the present FIR was registered. But now a written compromise is entered between the

parties and both want to end the matrimonial dispute. As per compromise, both the parties will withdraw their litigation in different courts. Also a petition u/s 13-B Hindu Marriage Act is filed to seek mutual divorce. The copy of written compromise is placed on record. Father of Navneet Kaur is also present and he also confirms that compromise is executed by his daughter voluntarily. Therefore the compromise is appears to be genuine and voluntarily entered.

(II) As per report u/s 173 Cr.P.C., there are two accused namely Navroz Singh son of Palwinder Singh and Palwinder Singh Son of Gian Singh.

(III) There is one victim/complainant and she has entered into compromise. There are two accused and both have entered into compromise. Victim as well both accused are parties to the quashment petition.

(IV) Challan/report u/s 173 Cr.P.C. was presented on 10.02.2022 and at present case/trial is fixed for consideration on charge.

(V) Yes, all the accused are on bail and appearing before the trial court.

(VI) There are other criminal cases against both the accused. As per Statement of accused Palvinder Singh he has three more FIRs registered against him. Their detail and status is as follows:-

a) FIR bearing no.25 dated 01.02.2020 P.S. Sultanpur Lodhi, u/s 379,427,34,452,307 and 201 IPC and same is pending trial. As per statement of Palwinder Singh in said FIR also compromise is effected and quashment is pending before Hon'ble High Court vide CRM-M-56968 of 2022.

b) FIR bearing no.46 dated 15.03.2019, w/s 323,324,34 1, 148, 149 IPC PS Sultanpur Lodhi and same is pending trial. As per statement of Palwinder

Singh in said FIR also compromise is effected and quashment is pending before Hon'ble Court vide CRM-M-59136 of 2022.

c) FIR bearing no.86 dated 20.06.2007, u/s 302, 34 IPC, P.S. Sultanpur Lodhi. In said FIR accused is convicted and appeal is pending before Hon'ble Punjab and Harayna High Court vide CRA-S-1755-SB-2008.

(VII) One other FIR no.25 dated 01.02.2020, u/s 379,427,34,452,307 and 201 IPC, P.S. Sultanpur Lodhi, Kapurthala is registered and pending trial. As per statement of Navroz Singh compromise is effected in said FIR and quashment is pending before Hon'ble High Court vide CRM-M-56968 of 2022.

Compromise between parties appears to be genuine as parties wants to amicably end their matrimonial dispute. They have file for mutual divorce u/s 13-B of Hindu Marriage Act.”

Learned State counsel on instruction from Investigating Officer and learned counsel for respondent No.2 submitted that they have no objection if FIR and consequent proceedings in view of compromise are quashed.

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 the 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 320 Cr.P.C.](#) is not an embargo against invoking inherent powers by the High Court vested in it under [Section 482 Cr.P.C.](#) The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press [Section 482 Cr.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 extraordinary 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)*.*

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 between 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.”

From the perusal of the enclosed FIR, report of the Trial Court and compromise arrived between the parties, it transpires that contesting parties have amicably resolved their issue, thus, no useful purpose would be served by continuing the proceedings. The alleged offences are of pre-dominantly private in nature and no moral turpitude or interest of public at large is involved. There appears to be no chance of conviction, the continuance of the proceedings would just waste valuable judicial time and it is well-known fact that courts are already over burdened.

In view of above facts and circumstances, the present petition deserves to be allowed and accordingly allowed.

FIR No.0194, dated 10.07.2021, under Sections 498A, 406, 354, 354A, 506 and 34 of IPC1860 and under Sections 3, 4 and 4A of Dowry Prohibition Act, 1961, registered at Police Station Sultanpur Lodhi District Kapurthala, (Annexure P-1), and all other consequential proceedings arising therefrom are quashed *qua* the petitioner(s).

(JAGMOHAN BANSAL)
JUDGE

20.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>

