

CRM-M-755-2023 (O&M)

1

275

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-755-2023 (O&M)
Date of decision : 03.07.2023

Ravi Singh @ Ravinder Singh ... Petitioner(s)

Versus

State Of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Piyush Setia, Advocate for the petitioner.
Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.
Mr. Shubham Goyal, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 482 CrPC seeking quashing of FIR No. 182, dated 29.11.2022, under Sections 354, 354-A of the Indian Penal Code, 1860 (IPC) registered at Police Station, Kabarwala, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, on the basis of the compromise dated 23.12.2022 (Annexure P-2) effected between the parties.

2. On 09.01.2023 the following order was passed :

“Petitioner has filed present petition under Section 482 Cr.P.C. for quashing of FIR No. 182, dated 29.11.2022, under Sections 354, 354-A IPC, registered at Police Station, Kabarwala, District Sri Muktsar Sahib, and all

the consequential proceedings arising therefrom, on the basis of the compromise dated 23.12.2022 (Annexure P-2), effected between the parties.

Learned counsel for petitioner submits that there is only one accused who is the petitioner and only one victim who is impleaded as respondent No.2 in the present quashing petition based upon compromise. Learned counsel for the petitioner submits that both the parties have amicably resolved their dispute through a compromise dated 23.12.2022 (Annexure P-2). He further submits that if, proceedings arising from the aforementioned FIR are quashed, both the parties will live their lives peacefully.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Mr. Shubham Goyal, Advocate, appears on behalf of respondent No.2 and admits execution of compromise dated 23.12.2022 (Annexure P-2).

The affected parties are directed to appear before learned Trial Court/Illaq Magistrate on/before 15.02.2023 or any other date convenient to the concerned Court, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this

Court on or before the adjourned date, containing the following information as well:-

- i. Total number of persons arrayed as accused in the case;*
- ii. Whether all the accused and complainant / victims are party to compromise;*
- iii. Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;*
- iv. Stage of the trial/proceedings; and*
- v. Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

To come up on 18.04.2023, awaiting report.

Reply by the respondent-State, if any, be filed on or before the next date of hearing.”

3. Pursuant to the order dated 09.01.2023, a report has been received from the District and Sessions Judge, Sri Muktsar Sahib wherein it has been stated that the compromise has voluntarily been entered into by the parties without any coercion or undue influence. Their individual statements have also been recorded. The complainant-respondent No.2 in her statement has stated that the compromise has been arrived at voluntarily, without any coercion and with my own sweet will and that she has no objection if the present FIR is quashed.

4. The Apex Court in the case of “**Gian Singh V/s State of Punjab & Anr.**” [2012 (10) SCC 303] 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 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 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.”

5. Learned counsel for the petitioner has also referred to the law laid down by this Court in “**Kulwinder Singh & Ors. vs. State of Punjab & Anr.**” [2007 (3) RCR (Criminal) 1052] wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

6. In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue the criminal proceedings.

7. Resultantly, FIR No.182 dated 29.11.2022 under Sections 354, 354-A of the Indian Penal Code, 1860 (IPC) registered at Police Station, Kabarwala, District Sri Muktsar Sahib is quashed including all subsequent proceedings arising out of the said FIR, on the basis of compromise entered into between the parties on 23.12.2022 (Annexure P-2).

8. The petition is accordingly allowed. Pending applications, if any, also stand disposed off.

03.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO