

271 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4414-2021

Date of Decision:17.01.2023

BISHAN SINGH AND OTHERS

..... Petitioners

*Versus*

STATE OF PUNJAB AND ANOTHER

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Ritesh Pandey, Advocate  
for the petitioners.

Mr. Digvijay Napgal, AAG, Punjab.

Mr. Azam Khan, Advocate  
for respondent No.2.

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**JAGMOHAN BANSAL, J. (Oral)**

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No. 164, dated 17.09.2014, under Sections 498A and 494 of IPC, registered at Police Station Civil Lines Batala, District Batala, (Annexure P-1), and all other consequential proceedings arising therefrom, on the basis of compromise/ affidavit dated 15.01.2021 (Annexure P-2).

In terms of order dated 05.03.2021 of this Court, learned Judicial Magistrate 1<sup>st</sup> Class, Batala has submitted his report dated 22.03.2021. The relevant extracts of the report are as below :-

*“(i). In view of the statements got recorded by both the parties, this court is satisfied that compromise effected between them is genuine, which is not the result of any pressure or coercion.*

*(ii). Five persons have been arraigned as accused in the present FIR namely an Bishan Singh son of Kehar*

*Sinch Paramjit Singh son of Bishan Singh, Jasbir Kaur wife of Hardip Singh @ Harwinder Singh, residents of Village Kahlanwali, Tehsil Dera Baba Nanak, District Gurdaspur, Rajinder Singh son of Bachan Singh and Amarjit Kaur wife of Rajinder Singh, residents of Mohalla Guru Nanak Nagar, Batala, District Gurdaspur. Apart from them no other person has been nominated as an accused.*

*(iii) Both the parties are not involved in any other criminal case and have not been declared as proclaimed offender in any other criminal case.*

*(1V) It is relevant to mention here that in the present case, challan was initially presented against accused Paramjit Singh under Sectiond 498- A/494. Accused Bishan Singh, Dalbir Kaur, Jasbir Kaur, Amarjit Kaur and Rajinder Singh were summoned as additional accused under Sections 319 Cr.PC and upon appearance, charges were initially framed against accused- petitioners Paramjit Singh, Bishan Singh, Amarjit Kaur and Rajinder Singh under Sections 498-A/494/406 of IPC. Thereafter, Jasbir Kaur who was initially declared as proclaimed persSon was arrested and produced in court on 15.11.2019. At present case is fixed tor consideration on application for discharge of accused Jasbir Kaur.”*

Learned counsel for the petitioners submits that as per his instructions marriage stands dissolved.

Statement of Investigating Officer was recorded by Trial Court and said statement is part of report dated 22.03.2021 submitted by learned Trial Court.

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 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.](#)<sup>3</sup> 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. 164, dated 17.09.2014, under Sections 498A and 494 of IPC, registered at Police Station Civil Lines Batala, District Batala, (Annexure P-1), and all other consequential proceedings arising therefrom are quashed qua the petitioner(s).

( JAGMOHAN BANSAL )  
JUDGE

17.01.2023  
*Ali*

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|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |