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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-3619-2020
Date of Decision: 06.01.2023**

Baldev Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Harjinder Singh, AAG, Punjab
for respondent No.1/State.

Mr. Lovish Rattan, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.244 dated 31.12.2019 (Annexure P-1), under Sections 120-B and 420 IPC, registered at Police Station Lopoke, District Amritsar Rural, on the basis of Compromise Deed dated 17.01.2020 (Annexure P-2).

Learned counsel for the petitioner submits that although names of two persons, i.e. Baldev Singh and Sukhwant Singh, have been mentioned as accused in the present case FIR but Sukhwant Singh has since expired, therefore, Baldev Singh remains to be the only accused in the

instant case.

Vide order dated 22.09.2021, the trial Court/Illaq Magistrate was directed to record the statements of the parties with regard to the compromise.

In compliance thereof, the Judicial Magistrate Ist Class, Ajnala, has submitted a consolidated report, vide letter dated 14.02.2022, which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and with free will and consent. Relevant extract of the said report is reproduced as under:

“ - x - x - x -

2. *Statement of complainant Pargat Singh s/o Avtar Singh and accused Baldev Singh s/o Chechal Singh, were accordingly recorded in the Court.*

3. *The complainant and the accused person had unanimously stated to the effect that the matter has been compromised between them. Complainant of the present case further stated to the effect that he does not want to pursue the present case against accused person and that he has got no objection if the proceedings of present case be quashed. Complainant further went on to state that he has effected the compromise with his own free will and without any pressure, coercion and inducement. To the same effect was the statement of accused person Baldev Singh s/o Chechal Singh. Complainant and the accused also placed on record their self attested identity proofs.*

4. *ASI Angrej Singh No.75/Amritsar, Rural, P.S.*

Lopoke, IO of the present FIR had also appeared in the Court and had stated to the effect that there is no other person nominated as an accused in the present FIR, other than the petitioner arrayed in the petition, and there was no other complainant or affected/aggrieved party other than the respondent arrayed in the petition and further that accused has not been declared as P.O. in this case.

5. *Respected Sir, from the aforementioned statements got recorded by the Court, it clearly appears that the compromise between the parties is without any pressure, coercion or undue influence. Further, from the information made available before this Court, by the means of the statement of the ASI Angrej Singh No.75/Amritsar Rural, P.S. Lopoke, it is most humbly submitted that there is no other person nominated as an accused in the present FIR, other than the petitioner arrayed in the petition, and there was no other complaint or affected/aggrieved party other than the respondent arrayed in the petition and further that accused has not been declared as P.O. in this case.*

- x - x - x -”

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated that the said compromise arrived at between them is genuine, voluntary and without any pressure.

Learned State counsel does not raise any serious dispute

regarding quashing of the FIR in question.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

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

In “*Shakuntala Sawhney Vs. Kaushalya Sawhney*”, 1979 (3) SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

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

Still further, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', the same are extracted as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1 Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

16.2 The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3 In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

16.4 While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

16.5 The decision as to whether a complaint or First Information Report should be quashed on the ground that the

offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

16.6 In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

16.7 As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8 Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9 In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16. There is yet an exception to the principle set out in propositions 16.8 and 16.9 above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is

involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

Considering the entire facts, compromise, the statements of the parties recorded before the Illaqa Magistrate/Trial Court and also the report dated 14.02.2022 submitted by Judicial Magistrate Ist Class, Ajnala, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise then continuation of the proceedings would be mere abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR, while accepting the prayer of petitioner, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.244 dated 31.12.2019 (Annexure P-1), under Sections 120-B and 420 IPC, registered at Police Station Lopoke, District Amritsar Rural and all the consequent proceedings arising therefrom, are quashed qua the petitioner herein only. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the **“Poor Patients Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical

Superintendent.

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

All pending application(s), if any, shall stand disposed of.

06.01.2023

Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No