

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

(254)**CRM-M-6046-2023****Date of Decision: 16.03.2023**

Inderjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Sunny Saggar, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Aditya Sanghi, Advocate, for respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.241 dated 09.10.2006 under Sections 406, 420, 120B IPC, registered at P.S. City Rajpura, District Patiala (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

2. Originally FIR No.241 dated 09.10.2006 was registered at the instance of Mukhbain Singh at Police Station City Rajpura under Section 406, 420, 120b IPC against the petitioners as well as Naveen Arora, Vikas Arora, Sanjay Kumar, Gurdeep Singh and Sumit Bakshi. Later, upon consideration of report under Section 173 Cr.P.C., while framing charges, offence under Sections 409 was added in the charge-sheet. Upon trial, the petitioners No.1 and 2 were convicted under Section 420, 120-B IPC and were sentenced for a period of 2 years vide judgment of conviction and order of sentence dated 09.11.2022 whereas, petitioner No.3 was convicted under Section 409 IPC followed by awarding sentence of 4 years whereas, Naveen Arora, Vikas

Arora and Sanjay Kumar were acquitted besides, Gurdeep Singh and Sumit Bakshi having remained as proclaimed offender.

First appeal was filed at the instance of petitioners is already subjudice before learned Additional Sessions Judge, Patiala for 19.04.2023. During pendency of the first appeal, petitioners have approached this Court by way of filing the present petition invoking Section 482 Cr.P.C. with a prayer for quashing of FIR, based on compromise dated 05.01.2023.

3. In pursuance to an order dated 06.02.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 23.02.2023 has been received from the concerned court, stating that the compromise between the complainant-Rupinder Singh son of Mukhbain Singh and petitioners is valid, genuine, voluntary and without any coercion or undue influence. None of the petitioners has been declared as PO. There is no other criminal case pending against the petitioners.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the first appellate Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysingh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395- 2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. My aforesaid view is mainly dervied from the proposition of law laid down by the Hon'ble Supreme Court in case of ***"Ram Gopal vs. State of Madya Pradesh, 2021(4) RCR (Criminal)322.*** Relevant paras 18 and 19 thereof are reproduced hereunder:-

“18. It is now a well crystalized axiom that the plenary jurisdiction of this Court to impart complete justice under Article 142 cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to Section 482 Cr.P.C. conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under Article 142 of the Constitution embraces this Court with scopius powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the over-arching objective of sentencing in

the criminal justice system, which is grounded on the sublime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

19. *We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”*

7. Applying the aforesaid proposition to the facts and circumstances of the present case, the petitioners having settled the dispute with the complainant, offences committed by the petitioners thus, stand compounded.

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.241 dated 09.10.2006 under Sections 406, 420, 120B IPC, registered at P.S. City Rajpura, District Patiala (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

16.03.2022
anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No