

122-A

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

CRM-M-7104-2023 (O&M)

Date of Decision: 09.10.2023

Surjit Singh and others

.. Petitioners

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Mahipal S. Yadav, Advocate
for respondent No.2.

...

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.174 dated 05.11.2021, under Sections 324, 341, 323, 506, 148, 149 IPC (Section 326 IPC added later on), registered at Police Station Amargarh, District Malerkotla along with all consequential proceedings arising therefrom on the basis of compromise (P-3), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners had inflicted injuries on the person of complainant/respondent No.2-Satgur Singh.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 19.04.2023, passed the following order:-

“1. Petitioners are seeking to quash the FIR No. 174 dated 05.11.2021 under Sections 324, 341, 323, 506, 148, 149 IPC (Section 326 IPC added later on),, registered at Police Station Amargarh, District Malerkotla on the basis of compromise.

2. Learned counsel for the petitioners contends that as per the allegations, the petitioners had inflicted injuries on the person of respondent No.2. The injuries attributed to the petitioner are simple in nature. The dispute has been amicably settled between the parties in

terms of the compromise, Annexure P-3. It is a case of version and cross-version. The parties are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

3. Notice of motion.

4. Mr. Jaiteshwar S. Bhandari, AAG Punjab accepts notice on behalf of the State.

5. Mr. Mahipal S. Yadav, Advocate has put in appearance on behalf of respondent No.2 and admits the factum of compromise.

6. Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 24.05.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in FIR.

2. Whether any accused is proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.

7. Adjourned to 14.08.2023, to await the report.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 28.07.2023 has been submitted in this regard by learned JMIC, Malerkotla. The operative part of the same reads as under:-

“As per FIR and statement of IO, there are total 6 persons arrayed as accused in this FIR i.e. Surjit Singh, Randhir Singh @ Dhira, Jasveer Singh, Harjinder Kaur @ Jinder Kaur, Soni @ Sonu and Jaswant Singh @ Sattu.

ii) As per the statement of IO, no any accused is proclaimed offender.

iii) As per the statements of complainant/victim/injured Satgur Singh and accused Surjit Singh, Randhir Singh @ Dhira, Jasveer Singh, Harjinder Kaur @ Jinder Kaur, Soni @ Sonu and Jaswant Singh @ Sattu, they have entered into compromise with their own free will and without any pressure or coercion or undue influence. The said compromise seems to be genuine, voluntary and out of free will of the parties.

(iv) *As per the statement of IO, no any accused of present FIR is involved in any other case.*

(v) *As per the statement of IO, there is only one victim/complainant in the present FIR i.e. Satgur Singh.”*

5. A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides with free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from ASI Janpal Singh, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In **Gian Singh Vs. State of Punjab and another, (2012) 10 SCC 303**, the Hon'ble Supreme Court has discussed the powers of High Court under Section 482 Cr.P.C. and the relevant portion reads as under :-

“61. 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 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.”

8. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

9. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs.30,000/- (Rs.5,000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family

Welfare Fund.

10. Pending application(s), if any shall also stand disposed off.

09.10.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No