2023:PHHC:083930

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

**CRM-M-8762-2021 (O&M)**
**Date of Decision : 04.07.2023**

Sunil Gahlyan @ Sunil Kumar and Others ....Petitioners

VERSUS

State of Haryana and Another ....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vivek Aggarwal, Advocate for the petitioners.

Ms. Mayuri Lakhanpal Kalia, AAG Haryana
for respondent No.1.

Mr. Gaurav Sharma, Advocate
for respondent No.2/complainant.

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**ALKA SARIN, J. (Oral)**

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0543 dated 12.09.2020 registered under Section 24 of the Immigration Act, 2000 and under Sections 34/354/370/406/420/467/468/471/506/509 of the Indian Penal Code, 1860 registered at Police Station Samalkha (Panipat) alongwith all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 01.12.2020 (Annexure P-2).

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2. Pursuant to the orders passed by this Court on 24.02.2021 and 01.09.2022, statements of the accused as well as complainant have been recorded. As per report dated 11.11.2022 submitted by the Judicial Magistrate, Ist Class, Samalkha (Panipat) the parties have voluntarily entered into a compromise without any coercion, undue influence and misrepresentation. Statements have separately been recorded and sent to this Court

3. Learned counsel appearing on behalf of respondent No.2/complainant states that respondent No.2 has no objection if the FIR is quashed since the matter has amicably been settled between the parties.

4. The Apex Court in the case of **Gian Singh vs. 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*

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*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*

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*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."*

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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.0543 dated 12.09.2020 registered under Section 24 of the Immigration Act, 2000 and under Sections 34/354/370/406/420/467/468/471/506/509 of the Indian Penal Code, 1860 registered at Police Station Samalkha (Panipat) is quashed, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 01.12.2020 (Annexure P-2).

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

04.07.2023 **(ALKA SARIN)**
tripti **JUDGE**

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

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