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

Date of Decision: 10.01.2023

1. CRM-M-14119-2018 (O&M)

AMRITPAL SINGH AND OTHERSPetitioners

Versus

STATE OF PUNJAB AND ANR ...Respondents

2. CRM-M-14066-2018 (O&M)

HARJEET SINGH AND ANOTHERPetitioners

Versus

STATE OF PUNJAB AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ragesh Duhan, Advocate for
Mr. Amit Arora, Advocate
for the petitioners in CRM-M-14119-2018 &
for respondent No.2 in CRM-M-14066-2018.

Ms. Gurmeet Kaur, Advocate for
Mr. P.S. Kanwar, Advocate
for the petitioners in CRM-M-14066-2018 &
for respondent No.2 in CRM-M-14119-2018.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

This order shall dispose of two petitions, i.e. CRM-M-14119-

2018, filed for quashing of FIR No.214 dated 05.10.2017, registered under Sections 323, 324, 506, 148 and 149 IPC (Section 326 IPC added subsequently) at Police Station Tarn Taran, District Tarn Tara (Annexure P-1) and CRM-M-14066-2018, filed for quashing of cross-case, being DDR No.30, dated 14.10.2017, registered under Sections 323, 324, 341, 506 and 34 IPC (Section 326 IPC added subsequently) at Police Station City Tarn Taran, District Tarn Tara and all the consequent proceedings arising therefrom, on the basis of compromise (Annexure P-3) arrived at between the parties.

Vide orders dated 25.07.2019 and 02.08.2022, passed in CRM-M-14119-2018 and CRM-M-14066-2018 respectively; the Illaqa Magistrate/trial Court was directed to record the statements of the parties and Investigating Officer respectively in respect of the compromise.

In compliance thereof, the Chief Judicial Magistrate, Tarn Taran has submitted two separate reports, in each petition, vide letters bearing Nos. 411 & 674 dated 30.08.2019 & 13.09.2022 respectively, in CRM-M-14119-2018 and letter bearing Nos.410 & 673 dated 30.8.2019 & 13.09.2022 in CRM-M-14066-2018 respectively, which indicates that the parties and Investigating Officer had appeared before the Chief Judicial 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 without any pressure or coercion from any corner. Relevant extract of the reports received in CRM-M-14119-2018 is reproduced as under:-

The relevant extract of report received vide letter No.411 dated 30.08.2019:-

“It is submitted that in pursuance to the order of the Honorable High Court dated 25.07.2019, the petitioners and respondent No.2 appeared and suffered statements in the Court that they have amicably settled their dispute and have compromised the matter without any pressure or coercion. They also suffered statements that no other criminal cases are pending against each other.

From the statements of the parties to the petition, it submitted that they appear to have compromised the matter in dispute without any undue pressure or coercion and the same is voluntary.”

The relevant extract of report received vide letter No.674 dated

13.09.2022:-

“In pursuance of the directions, investigating officer SI Amrik Singh no.1766/TT, PS City, Tarn Taran was summoned with record and his statement recorded in the Court to the effect that FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran was registered on the complaint of Inderpal Singh s/o Jaspal Singh r/o Ward no. 10, Pandori Road, Mohalla Muradpura, Tarn Taran against three accused persons namely (1) Amritpal Singh s/o Balwinder Singh r/o Ward no. 10, Pandori Road, Mohalla Muradpura, Tarn Taran, (2) Gagan @ Afridi s/o Suresh Kumar and (3) Mani @ Mohit Sharma s/o Vinod Sharma, both residents of Gali Krishna Wali, Khalrapur Road, Tarn Taran.

During investigation Vide Rapat no.27 dated 18.10.2017 Section 326 IPC was added in FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran.

A DDR no.30 dated 14.10.2017 was registered in FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran on the complaint of Amritpal Singh s/o Balwinder Singh r/o Ward no.10, Pandori Road, Muradpura, Tarn Taran against two accused persons namely (1) Harjit Singh s/o Rashpal Singh and (2) Gurjit Singh s/o Rashpal Singh r/o Ward no.10, Pandori Road, Mohalla Muradpura, Tarn Taran in which vide Rapat no.26 dated 27.10.2017 Section 326 IPC was added.

Except above mentioned accused persons, no other person is nominated or involved in main FIR no.214 dated 05.10.2017 as well as its connected DDR no.30 dated 14.10.2017.

None of the accused has been declared proclaimed offender in main FIR no.214 dated 05.10.2017 as well as in its connected DDR no.30 dated 14.10.2017.

Challan (Report u/s 173 Cr.P.C.) has not been submitted in the Court till date in main FIR no.214 dated 05.10.2017 as well as its connected DDR no.30 dated 14.10.2017.

No other criminal case except the main FIR no.214 dated 05.10.2017 as well as in its connected DDR no.30 dated 14.10.2017 is pending against any of the accused of FIR no.214 dated 05.10.2017 as well as its connected DDR.

As per report of Ahlmad, statements of all the three accused namely Amritpal Singh, Gagan @ Afridi, Mohit Sharma @ Mani and complainant Inderpal Singh regarding compromise in FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran were recorded by the then Presiding Officer on 29.08.2019”

Relevant extract of the reports received in CRM-M-14066-2018 is reproduced as under:-

The relevant extract of report received vide letter No.410 dated 30.08.2019:-

“It is submitted that in pursuance to the order of the Honorable High Court dated 25.07.2019, the petitioners and respondent No.2 appeared and suffered statements in the Court that they have amicably settled their dispute and have compromised the matter without any pressure or coercion. They also suffered statements that no other criminal cases are pending against each other.

From the statements of the parties to the petition, it submitted that they appear to have compromised the matter in dispute without any undue pressure or coercion and the same is voluntary.”

The relevant extract of report received vide letter No.673 dated 13.09.2022:-

“In pursuance of the directions, investigating officer SI Amrik Singh no.1766/TT, PS City, Tarn Taran was summoned with record and his statement recorded in the Court to the effect that FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS

City, Tarn Taran was registered on the complaint of Inderpal Singh s/o Jaspal Singh r/o Ward no. 10, Pandori Road, Mohalla Muradpura, Tarn Taran against three accused persons namely (1) Amritpal Singh s/o Balwinder Singh r/o Ward no.10, Pandori Road, Mohalla Muradpura, Tarn Taran, (2) Gagan @ Afridi s/o Suresh Kumar and (3) Mani @ Mohit Sharma s/o Vinod Sharma, both residents of Gali Krishna Wali, Khalrapur Road, Tarn Taran.

During investigation Vide Rapat no.27 dated 18.10.2017 Section 326 IPC was added in FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran.

A DDR no.30 dated 14.10.2017 was registered in FIR no.214, dated 05.10.2017 under Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran on the complaint of Amritpal Singh s/o Balwinder Singh r/o Ward no.10, Pandori Road, Mohalla Muradpura, Tarn Taran against two accused persons namely (1) Harjit Singh s/o Rashpal Singh and (2) Gurjit Singh s/o Rashpal Singh r/o Ward no. 10, Pandori Road, Mohalla Muradpura, Tarn Taran in which.

In DDR no.30 dated 14.10.2017 vide Rapat no.26 dated 27.10.2017 Section 326 IPC was added.

Except above mentioned accused persons, no other person is nominated or involved in main FIR no.214 dated 05.10.2017 as well as its connected DDR no.30 dated 14.10.2017.

None of the accused has been declared proclaimed offender in main FIR no.214 dated 05.10.2017 as well as in its connected DDR no.30 dated 14.10.2017.

Challan (Report u/s 173 Cr.P.C.) has not been submitted in the Court till date in main FIR no.214 dated 05.10.2017 as well as its connected DDR no.30 dated 10.2017.

No other criminal case except the main FIR no.214 dated 05.10.2017 as well as in its connected DDR no.30 dated 14.10.2017 is pending against any of the accused of FIR no.214 dated 05.10.2017 as well as its connected DDR.

As per report of Ahlmad, statements of both accused namely Harjit Singh and Gurjit Singh and complainant Amritpal Singh regarding compromise in DDR no.30 dated 14.10.2017 registered at Police Station City, Tarn Taran under Sections 323, 324, 341, 506 read with Section 34 of IPC in FIR no.214, dated 05.10.2017 under

Sections 323, 324, 506, 148, 149 of IPC, PS City, Tarn Taran were recorded by the then Presiding Officer on 29.08.2019.”

Learned State counsel does not raise any serious dispute regarding quashing of FIR No.214 dated 05.10.2017 and DDR No.30, dated 14.10.2017.

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

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

In ***Shakuntala Sawhney v. 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 Versus 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 pre-dominantly 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

16.10 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.

Having appraised the afore-stated parameters and weighing upon the peculiar facts and circumstances of the instant case, this court is inclined to invoke powers under Section 482 Cr.P.C. to quash the criminal proceedings in these cases, for the following reasons:

- i. The alleged occurrence prima facie appears to be a result of misunderstanding between the parties, which resulted in injuries suffered by complainants in FIR and DDR respectively on their arms and legs.
- ii. The nature of the dispute cannot be said to be shocking to the society at large or as would cause grave public outcry.
- iii. The petitioners in both the cases do not suffer any criminal antecedents and are not involved in any other case.
- iv. The FIR and DDR in these case dates back to the year 2017 and

there is nothing on record to show that either before or after the purported compromise, any untoward incident transpired between the parties;

v. The parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

vi. The complainant(s) in both cases are not likely to support the case of the prosecution. Continuation of the proceedings in these cases is likely to be a waste of judicial time.

vii. The object of law is well served when the parties resolve their differences and chose to peacefully co-exist and live in harmony.

viii. The grievances having been resolved, no interest of justice would be served by forcing the petitioners to undergo rigours of criminal proceedings.

ix. Since the Petitioners and the complainant(s) in these cases are residents of the same area / town, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no vengeance against each other; and continuation of the proceedings is not likely to advance any interest of justice.

x. The cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties.

For the reasons stated above, the present petitions are allowed and the criminal proceedings in the aforesaid case FIR No.214 dated

05.10.2017, registered under Sections 323, 324, 506, 148 and 149 IPC (Section 326 IPC added subsequently) and DDR No.30, dated 14.10.2017, registered under Sections 323, 324, 341, 506 and 34 IPC (Section 326 IPC added subsequently) at Police Station City Tarn Taran, District Tarn Tara and all the consequent proceedings arising therefrom, are quashed on the basis of compromise (Annexure P-3) entered into between the parties qua petitioners of both the petitions. However, the same would be subject to payment of costs of Rs.10,000/- in each case to be deposited by the petitioners in both the petitions with the **“Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund”**.

Both the petitions stand disposed of in the aforesaid terms.

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

10.01.2023
Amandeep

(HARSH BUNGER)
JUDGE

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