

129

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

**CRM-M-21412-2023 (O&M)
Date of decision : 09.11.2023**

Kirandeep Kaur @ Kiranjit Kaur and others

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurbir Singh Sidhu, Advocate,
for the petitioners.

Mr. C.L. Pawar, Addl.A.G., Punjab.

Ms. Amandeep Kaur, 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.0127 dated 26.10.2021 (**P-1**), under Sections 447, 511, 506 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station, Sadar Raikot, District Ludhiana Rural, along with all consequential proceedings arising therefrom on the basis of compromise dated 20.03.2023 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners tried to take possession of the land of complainant, forcibly.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 03.05.2023, passed the following order:-

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0127, dated 26.10.2021, under Sections 447, 511, 506 of IPC, 1860, registered at Police Station Sadar Raikot, District Ludhiana along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to her during the course of the day.

Ms. Amandeep Kaur, Advocate has appeared on behalf of Mr. Mohit Kumar, Advocate and filed power of attorney on behalf of respondent No.2 today in the Court and the same is taken on record. She affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 2½ months, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

(i) how many total accused are facing the trial;

(ii) whether challan is presented in the Court? If so, against how many accused;

(iii) whether any of the accused was declared proclaimed offender at any stage of trial;

(iv) status/stage of the trial/case;

(v) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

(vi) to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 04.09.2023.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 25.07.2023 has been submitted in this regard by learned Judicial Magistrate First Class, Jagraon. The operative part of the same reads as under:-

“ This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their 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 the police officer present in the Court, 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. The Hon’ble Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, has held 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences

under special statutes like the 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 a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the 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. 25,000/- (Rupees 5,000/- each). Costs be deposited with

Punjab and Haryana High Court Bar Association, Chandigarh Lawyers
Family Welfare Fund.

09.11.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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