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

**CRM-M-28923-2023 (O&M)
Date of decision : 01.12.2023**

Manpreet Singh @ Manna and others

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan Bansal, Advocate,
for Mr. Jagjot Singh Lalli, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Major Singh.

Mr. Manish Verma, Advocate,
for Mr. Achin Gupta, 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.84 dated 18.05.2021 (**P-1**), under Sections 323, 324, 506, 341 read with Section 34 of the Indian Penal Code, 1860 (for short, '*the IPC*') (Sections 325 & 452 IPC added subsequently), registered at Police Station, Koom Kalan, District Ludhiana, along with all consequential proceedings arising therefrom on the basis of compromise dated 06.05.2023 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners gave beatings to respondent No.2 using a baseball bat and as a result of which, he suffered four injuries.

3. A Co-ordinate Bench, while issuing notice of motion on 02.06.2023, passed the following order:-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.84 dated 18.05.2021 under Sections 323/324/506/341/34 of IPC, (Sections 325/452 IPC added later on) registered at Police Station Koom Kalan, Ludhiana (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise dated 06.05.2023 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Jashanpreet Singh, DAG, Punjab puts in appearance and accepts notice on behalf of respondent-State and seeks time to file reply, if any.

At this stage, Mr. Achin Gupta, Advocate puts in appearance on behalf of respondent No.2 and filed power of attorney in the Court today which is taken on record. Copy of the paper book be supplied during the course of the day.

Learned counsel for respondent No.2 affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Illaq Magistrate, as the case may be, on 12.07.2023 for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.*

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

Adjourned to 06.10.2023.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 15.07.2023 has been submitted in this regard by learned Judicial Magistrate First Class, Ludhiana. The operative part of the same reads as under:-

“ As per the statements of the parties, compromise appears to be genuine one and also appears to be entered into voluntarily with free will of the parties without any coercion or undue influence or pressure of any kind.”

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. Hon’ble the 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. 20,000/- (Rs.5,000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

01.12.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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