

290-2

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

**CRM-M-29374-2023 (O&M)
Date of decision : 20.11.2023**

Aditya Jain and others

... Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sudhanshu Khanna, Advocate,
for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.
assisted by ASI Harpal Singh.

Mr. Rhythem Bajaj, Advocate,
for the respondent Nos.2 to 5.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.46 dated 11.03.2023, under Sections 342, 324, 506 read with Section 34 of the IPC; registered at Police Station Division No.8, District Police Commissionerate, Ludhiana, along with all consequential proceedings arising therefrom on the basis of compromise dated 10.05.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 5.

2. Allegations are that the petitioners attacked the complainant-party and caused injuries to them.

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

“Prayer is for quashing of FIR No.46 dated 11.3.2023 registered under Sections 342, 324, 506, 34 IPC at Police Station Division No.8, District Police Commissionerate Ludhiana on the basis of compromise.

Notice of motion.

At this stage, Mr. Rhythem Bajaj, Advocate, accepts notice on behalf of the complainant/respondent No.2 to 5. He admitted the correctness of compromise and stated that he has no objection if this petition is allowed.

On the asking of this Court, Mr. Hakam Singh, AAG, Punjab accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have effected the compromise.

So, the parties are directed to appear before the learned trial court/Illaqa Magistrate on 26.7.2023 or any other date convenient to the trial Court/Illaqa Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

To come up on 20.9.2023 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through electronic mode, for compliance.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 16.09.2023 has been submitted in this regard by learned Chief Judicial Magistrate, Ludhiana. The operative part of the same reads as under:-

“5. In view of the statement of complainant/respondent Palika Verma @ Palika Chopra, statements of respondents Varun Verma, Karan Chopra and Saurav Kumar @ Saurav Verma @ Saurav Chopra from the side of complainant and that of accused/petitioners Aditya Jain, Aakriti Jain, Anand Jain and Tilak Rawat, as detailed herein-above, it emerges on record that the matter has been compromised between them with the

intervention of respectables out of their free will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter.”

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.40,000/- (Rs.10,000/- each). Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

20.11.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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