

**CRM-M-31023-2022 along with
CRM-M-31042-2022 and
CRM-M-34692-2022**

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**201 (3 Cases)
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of Decision: 09.02.2023

(I) CRM-M-31023-2022

Ramesh Kumar and others	 Petitioners
Versus	
State of Punjab and others	 Respondents

(II) CRM-M-31042-2022

Raj Kumar and others	 Petitioners
Versus	
State of Punjab and others	 Respondents

(III) CRM-M-34692-2022

Pawan Kumar	 Petitioner
Versus	
State of Punjab and others	 Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rhythem Bajaj, Advocate
for the petitioners (in CRM-M-31042-2022) and
for respondents (in CRM-M-31023-2022 and
CRM-M-34692-2022).

Mr. D.J. Bhorawal, Advocate
for the petitioner(s) (in CRM-M-31023-2022
and CRM-M-34692-2022) and
for respondents (in CRM-M-31042-2022).

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER J. (ORAL)

This order shall dispose of three petitions, i.e.

- (i) **CRM-M-31023-2022**, filed for quashing of FIR No. 165 dated 18.08.2019, under Sections 452/323/148/149 of IPC, 1860, registered at Police Station City-1 Abohar, District Fazilka as well as G.D. No.48 dated 01.09.2019 and all the consequent proceedings arising therefrom, on the basis of compromise dated 08.07.2022 arrived at between the parties;
- (ii) **CRM-M-31042-2022**, filed for quashing of cross case, being G.D. No.51 dated 19.08.2019, under Sections 323/148/149 of IPC, 1860 in case FIR No. 165 dated 18.08.2019, under Sections 452/323/148/149 of IPC, 1860, and all the consequent proceedings arising therefrom, on the basis of compromise dated 24.06.2022 arrived at between the parties; and
- (iii) **CRM-M-34692-2022**, filed for quashing of FIR No. 165 dated 18.08.2019, under Sections 452/323/148/149 of IPC, 1860, registered at Police Station City-1 Abohar, District Fazilka (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 08.07.2022 and affidavit dated 26.07.2022 arrived at between the parties.

Vide separate orders dated 20.07.2022 passed in CRM-M-31023-2022, CRM-M-31042-2022 respectively and vide order dated 13.09.2022 passed in CRM-M-34692-2022, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Sub Divisional Judicial Magistrate, Abohar has submitted three separate reports, vide letter bearing No.649 dated 05.08.2022 in CRM-M-31023-2022; letter bearing No.658 dated 05.08.2022 in CRM-M-31042-2022 and letter bearing No.2079 dated

14.11.2022 in CRM-M-34692-2022 which indicate that the parties appeared before the 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 said report received in CRM-M-31023-2022 is reproduced as under:-

“It is furthermore, respectfully submitted that as per above statements of parties, compromise has been effected between petitioners and respondents No.2 to 4. This compromise is acceptable to both the respective parties. Therefore, this compromise is genuine, voluntarily and is without any coercion or undue influence. It is further submitted that:-

(a) In the present case, as per statement of ASI Lal Chand, I.O of this case, investigation is pending and final report under section 173 Cr.P.C. has not been filed.

(b) Since final report has not been submitted, so charge in the present case has not been drawn against the accused.

(c) Since final report has not been submitted, prosecution evidence has not been commenced.

(d) The parties to the petition i.e. petitioners and respondents no. 2 to 4 have signed the compromise deed Ex.C13, except one accused Pawan Kumar, regarding which it has been mentioned that separate petition has been filed.”

Relevant extract of the report received in CRM-M-31042-2022 is reproduced as under:-

“It is furthermore, respectfully submitted that as

per above statements of parties, compromise has been effected between petitioners and respondents No.2 to 5. This compromise is acceptable to both the respective parties. Therefore, this compromise is genuine, voluntarily and is without any coercion or undue influence. It is further respectfully submitted that:-

(a) In the present case, as per statement of ASI Lal Chand, I.O of this case, investigation is pending and final report under section 173 Cr. P.C. has not been filed.

(b) Since final report has not been submitted, so charge in the present case has not been drawn against the accused.

(c) Since final report has not been submitted, prosecution evidence has not been commenced.

(d) The parties to the petition i.e. petitioners and respondents no. 2 to 5 have signed the compromise deed Ex.C13.”

Relevant extract of the report received in CRM-M-34692-2022
is reproduced as under:-

“It is furthermore, respectfully submitted that:-

1. In the present case, as per statements of ASI Amrik Singh, I.O of this case, there are ten accused namely Pawan Kumar, Ramesh Kumar Dholpuria, Rahul Dholpuria, Rajan, Remat Ram @ Rehmat Ram, Sham Lal, Subhash, Shankuntla, Ajay and Shetty @ Shanty.

Accused Pawan Kumar has suffered his statement with regard to compromise in court. Statements of remaining accused namely Ramesh Kumar Dholpuria, Rahul Dholpuria, Rajan, Remat Ram @ Rehmat Ram, Sham Lal, Subhash, Shankuntla, Ajay and Shetty @ Shanty has already been sent before Hon'ble High Court with regard to compromise in CRM-M 31023-2020 vide letter no. 649 dated 05.08.2022 (copy of above letter is

attached herewith).

2. As per statement of ASI Amrik Singh I.O of this case, none of the accused is proclaimed offender/proclaimed person or absconding.

3. As per statement of I.O ASI Amrik Singh, Veena Rani, respondent no. 2 is complainant and Rahul and Maya, respondents no. 3 and 4 are injured/aggrieved in this case. They have appeared before this Court and suffered their statement in support of compromise. There is no other complainant and injured/aggrieved in present case.

4. In present case, Final Report/Challan has not been presented in FIR and investigation is pending.

5. As per above statements of parties, compromise has been effected between petitioner and respondents No. 2 to 4. This compromise is acceptable to both the respective parties. Therefore, this compromise is genuine, voluntarily and is without any coercion or undue influence.

6. As per statement of ASI Amrik Singh, I.O of this case, no other FIR is pending against above said accused persons.

X - X -”

A perusal of the said reports would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR No. 165 dated 18.08.2019, G.D. No.48 dated 01.09.2019 and G.D. No.51 dated 19.08.2019 are quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

Learned State counsel does not raise any serious dispute

01.09.2019 and G.D. No.51 dated 19.08.2019.

Learned counsel for respondents No.2 to 4 (in CRM-M-31023-2022) and for respondents No.2 to 5 (in CRM-M-31042-2022) and for respondents No. 2 to 4 (in CRM-M-34692-2022) have 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.”

Considering the entire facts, compromise, the statements of the

parties recorded before the Illaqa Magistrate / Trial Court and also the report(s) dated 05.08.2022 in CRM-M-31023-2022 and in CRM-M-31042-2022 and report dated 14.11.2022 in CRM-M-34692-2022, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the FIR on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioner(s), would be securing the ends of justice.

For the reasons stated above, the aforesaid three petitions are allowed and the criminal proceedings in the aforesaid FIR No. 165 dated 18.08.2019, under Sections 452/323/148/149 of IPC, 1860, registered at Police Station City-1 Abohar, District Fazilka as well as G.D. No.48 dated 01.09.2019 and also in the cross case, being G.D. No.51 dated 19.08.2019, under Sections 323/148/149 of IPC, 1860 in case FIR No. 165 dated 18.08.2019, under Sections 452/323/148/149 of IPC, 1860, and all consequent proceedings arising therefrom, are quashed.

However, the same would be subject to payment of costs of Rs.10,000/- (in each case) to be deposited by the petitioner(s) with the “**Poor Patients' Welfare Fund, PGIMER, Chandigarh**” and the said amount

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would be spent for the treatment of poor patients within the knowledge of its
Medical Superintendent.

Disposed of in the aforesaid terms.

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

Photocopy of this order be placed on the file of above
mentioned connected case.

09.02.2023
Himani

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |