

**120 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-35081-2021****Date of Decision: 04.12.2023**

Jasveer Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Neha Randhawa, Advocate for
Mr. Mandeep Kumar Dhot, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl. A.G., Punjab
assisted by HC Sandeep Kumar.

Ms. Bhumika Khatri, Advocate, for
Mr. Inder Pal Singh, 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.94 dated 14.07.2018 registered under Section 420 of the Indian Penal Code, 1860 (for short, '*the IPC*') and Section 24 of Immigration Act, 1983, at Police Station Anandpur Sahib, District Rupnagar (**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise dated 04.08.2021(**P-2**) entered into between the parties i.e. petitioner as well as respondent No.2.

2. The allegations are that petitioner tried to build a wall by digging foundation in the land of the complainant.

3. This Court, while issuing notice of motion, on 02.09.2021, passed the following order:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.94 dated 14.07.2018 registered under Section 420

Indian Penal Code, 1860 and Section 24 Immigration Act, 1983 at Police Station Anandpur Sahib, District Rupnagar.

Notice of motion for 19.01.2022.

At this stage, Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel.

At this stage, Mr. Impinder Pal Singh, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on or before 18.11.2021 for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information :- 1.Number of persons arrayed as accused in FIR.

2. Whether any accused is proclaimed offender?

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

4. Whether the accused persons are involved in any other case or not?

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR? A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Sri Anandpur Sahib and submitted a report dated 04.01.2022. The operative part of the same reads as under:-

"1. There is only one person namely Jasvir Singh arrayed as accused in FIR.

2. None of the accused is proclaimed offender nor any P.O proceedings are pending, however it is further respectfully submitted that as per report of Ahlmad, accused Jasveer Singh (ie. petitioner before Hon'ble Punjab and Haryana High Court) was earlier declared proclaimed person in the present FIR by this Court vide order dated 08.01.2020, but thereafter he appeared and was released on bail as per orders passed by Learned District & Sessions Judge, Rupnagar.

3. The compromise is genuine, voluntary and without any coercion or undue influence.

4. *Present accused Jasvir Singh is not involved in any other case?*

5. *As per statement of Investigating Officer, complainant Swaran Singh and his son Amarjit Singh are the only victims in the FIR, however it is humbly submitted that said Amarjit Singh is not party to the petition before Hon'ble Punjab and Haryana High Court nor he appeared before this Court."*

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 official 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 the above, this Court is fully convinced that the offence is entirely personal in nature and does not involve public funds. 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, petitioner shall bear costs of Rs. 20,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

04.12.2023

ANJAL

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No