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

**CRM-M-30258-2019 (O&M)
Date of decision : 16.11.2023**

Kulvir Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Ritesh Aggarwal, Advocate,
 for the petitioners.

 Mr. C.L.Pawar, Additional Advocate General, Punjab,
 for respondent No.1.

 Mr. Amaninder Preet Singh, Advocate,
 for respondents No.2 to 4.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.8 dated 14.01.2019 (P-1), under Sections 458, 341, 323, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Bhadson, District Patiala, along with all consequential proceedings arising therefrom on the basis of compromise dated 17.05.2019 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations are that the petitioners inflicted grievous injuries upon respondents No.2 to 4.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 18.07.2019, passed the following order:-

“This petition has been filed seeking quashing of FIR No. 8 dated 14.01.2019, registered for the alleged commission of offences punishable under Sections 458/341/323/506/148/149 IPC, at Police Station Bhadson District Patiala, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise in the shape of an affidavit has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. Rajat Bansal, A.A.G., Punjab, accepts notice on behalf of respondent no. 1.

Mr. Amaninder Preet, Advocate, appears and accepts notice on behalf of respondent no. 2 and has filed his power of attorney in Court today which is taken on record.

Requisite number of copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 02.09.2019.

In the meanwhile, the petitioners as also respondent no. 2, would appear before the learned Area Magistrate up-to 01.08.2019 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The Area Magistrate would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 06.08.2019 has been submitted in this regard by learned Judicial Magistrate Ist Class, Nabha. The operative part of the same reads as under:-

“From the statements of the parties, it appears that there is no pressure or coercion on both parties for entering into compromise and the same is purely voluntary. The compromise effected between the parties is genuine and valid one. All the accused, complainant and injured Parampreet Singh are affected persons are party to compromise. No other case is pending against either of the parties as stated by the parties before this Court. No person involved in the case in hand is declared proclaimed offender. As per the information supplied by the parties none of the petitioner is previous convict.”

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

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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.20,000/- (Rs.5,000/- each). Costs be deposited with Punjab

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

16.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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