

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

290

CRM-M-44230-2023 (O&M)

Date of Decision: 16.10.2023

Damanpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. H.S. Dhindsa, Advocate, for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Mr. Ramandeep Singh, Advocate, for respondent No.2.

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**VIKAS SURI, J.**

[1] This is a petition filed under Section 482 Cr.P.C. for quashing of case FIR No.111 dated 23.05.2017 registered under Sections 420, 467, 468 and 471 IPC at Police Station Sadar, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise deed dated 24.09.2018 (Annexure P-2).

[2] On 05.09.2023, when the case was taken up for hearing, private parties were directed to appear before the trial Court/Illaq Magistrate on 12.09.2023 to get their statements recorded with regard to the compromise and the Magistrate concerned was directed to furnish its report along with the statements recorded opining therein as regards the genuineness and veracity of compromise, if any, between the parties. The Magistrate concerned was further directed to apprise this Court whether all the accused

are party to the compromise and whether any of the accused has ever been declared proclaimed offender(s) and if is there any other criminal case pending against him/them.

[3] Pursuant to order dated 05.09.2023, a report has been submitted by the Judicial Magistrate First Class, Ludhiana. The relevant portion of the said report dated 05.10.2023, reads as thus:-

“In compliance of the above said directions passed by the Hon'ble High Court, complainant namely Gurmeet Singh, accused person namely Damanpreet Singh appeared and got recorded their statements on dated 21.09.2023. The statement of LO. has also been recorded on 22.09.2023.

On the basis of statement of I.O. most humbly it is submitted that the present FIR has been registered at the instance of complainant Gurmeet Singh against accused Damanpreet Singh and accused has not been declared as Proclaimed Offender in this case and no P.O. proceedings are pending either against accused or against complainant as per his knowledge. It is also humbly submitted that from the statements of parties concerned it can be deduced that parties i.e. complainant and accused person have arrived into compromise or the basis of their free will and same is genuine. Further, it is also submitted that only one accused namely Damanpreet Singh was arrayed in FIR, accused is not a proclaimed offender, the accused is not involved in any other FIR. It is also submitted that there is only one complainant, injured, aggrieved i.e. Gurmeet Singh and he has appeared to give his statement. Regarding, stage of trial most humbly it is submitted that the case in hand is pending for consideration on charge. This is for your kind information and necessary action please. The statements of complainant Gurmeet Singh and accused Damanpreet Singh, along with statement of Investigating Officer are enclosed herewith for kind

perusal.”

[4] A perusal of the aforesaid report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded and both of them have vouched for the compromise and have endorsed no objection in case the FIR is quashed. It is further stated that the complainant has made statement voluntarily without any fear, coercion or pressure.

[5] Learned counsel for the petitioner has submitted that the petitioner was never declared proclaimed offender in the present case.

[6] Learned counsel for the State, as per instructions has admitted the said fact to be correct.

[7] Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in their best interest and would help in bringing about peace and harmony between the two parties.

[8] Heard learned counsel for the parties and perused the file.

[9] After perusing the report submitted by the Judicial Magistrate First Class, Ludhiana, this Court finds that the matter has since been amicably settled and the parties have decided to live in peace, this Court finds that continuance of criminal proceedings against the present petitioner would be futile exercise and in order to secure the ends of justice, the FIR qua him deserves to be quashed.

[10] As per the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs State of Punjab, 2007 (3) RCR (Criminal) 1052***, it is

held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

[11] Hon'ble the Apex Court in the case of *Gian Singh Vs. State of Punjab and another*, (2012) 10 SCC 303, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. Para 61 of the said judgment is reproduced hereinbelow:-

“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.

[12] In the light of the above discussion, the instant petition is allowed and resultantly, FIR No.111 dated 23.05.2017 registered under Sections 420, 467, 468 and 471 IPC at Police Station Sadar, District Ludhiana (Annexure P-1) and all consequential proceedings arising thereof,

on the basis of compromise, are hereby quashed.

[13] All pending miscellaneous applications, if any, also stand disposed of.

October 16, 2023  
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( VIKAS SURI )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |