

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

**CRM-M-47652-2022
Date of Decision: 23.02.2023**

Ranjeet Singh @ Guri

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Harjinder Singh, AAG, Punjab
for respondent No.1/State.

Mr. Amit Sharma, Advocate for
Mr. Aashish Bishnoi, Advocate
for respondent No.2.

HARSH BUNGER J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.71 dated 01.07.2022, under Sections 324, 325, 341, 148, 149 and 506 of Indian Penal Code, 1860 (Section 326 of IPC, 1860 added later on), registered at Police Station Daba, Ludhiana, District Ludhiana, and all consequential proceedings arising therefrom on the basis of compromise dated 27.09.2022 (Annexure P-1).

Upon issuance of notice in this case, respondent No.2- Gagandeep Singh filed a short reply by way of his affidavit, wherein Para 3 reads as under:-

“That it is respectfully submitted that the name of the petitioner was given in the FIR under a misconception which

has now been removed after clearing the misunderstanding/misconception between the present deponent and the petitioner. Therefore, I the deponent have compromised the matter of misconception only with the petitioner of the above mentioned main petition by compromise deed dated 27.09.2022”

Vide order dated 21.12.2022, passed by this Court, 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 Judicial Magistrate Ist Class, Ludhiana has submitted a consolidated report, vide letter dated 19.01.2023 which indicates 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 with free will and consent. Relevant extract of the said report is reproduced as under:-

“In this regard, statements of complainant namely Gagandeep singh s/o Davinder Singh r/o House No. 2997, St. No. 12. Mohalla Azad Nagar, P.S. Daba, Ludhiana and petitioner accused namely Ranjeet Singh (@ Guri s/o Hardeep Singh r/o St. No.3, Lohara, District Ludhiana have been recorded. From the statements of the complainant and the accused Ranjeet Singh Guri, it appears that compromise effected between the complainan and the accused Ranjeet Singh Guri is genuine and without any coercion or undue influence.

Further, in view of the aforesaid order, trial Court was also directed to record the statements of the concerned on the following aspect:-

Whether all the concerned have signed the compromise deed?

In this regard, photocopy of the compromise deed as

Mark A has been placed on record on which signatures of complainant namely Gagandeep singh s/o Davinder Singh and petitioner/accused namely Ranjeet Singh @ Guri s/o Hardeep Singh have been duly appended. Further, Ld. Counsels for the parties were directed to produce the original compromise deed on which they have stated at bar that they have already produced the original compromise deed in the Hon'ble Punjab and Haryana High Court. As such, no comments upon this can be made at this stage.

Further, in view of the aforesaid order, statement of Investigating Officer namely ASI Gurbaj Singh, belt No.2013/Ldh. PS. Daba, Ludhiana has also been recorded and as per his statement, there is only one victim/complainant namely Gagandeep singh so Davinder Singh and eight accused namely Ashu r/o Dhillon Nagar, Ludhiana, accused Billa r/o Dana Mandi near Arora Palace, Ludhiana, accused Aman Randhawa ro Dhillon Nagar, Ludhiana, accused Inderjit Singh @ Gandhi, accused Hardeep Singh @Deepu Kaira s/o Gurmeet Singh, accused Ranjit Singh @ Guri s/o Hardeep Singh, accused Gurpreet Singh @ Billa s/o Jaswant Singh and accused Sajan Singh @ Sajan Giani s/o Tarsem Singh in the present case. He further submitted that report under Section 173 of Cr.P.C has been presented against Hardeep Singh a Deepu Kaira, Ranjit Singh @ Guri, Sajan Giani and Gurpreet Singh @ Billa and remaining accused have not been arrested yet and kept in column No.2 in the report under Section 173 of Cr.P.C. He further submitted that accused Inderjit Singh @ Gandhi has been involved in FIR No.119 dated 06.12.2022 at P.S. Daba, Ludhiana. He further submitted that neither of accused persons nor complainant have involved in any other criminal case except the present case. He further submitted that no accused has been declared as proclaimed offender in the present case.”

A perusal of the said report shows that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and the complainant has further endorsed his no objection in case the FIR in question is quashed. They have further stated that the compromise arrived at between them is genuine, voluntary and without any pressure.

It is the submission of learned counsel for the petitioner that in present FIR No.71 dated 01.07.2022, there are total eight accused, however respondent No.2/complainant has entered into a compromise only with the petitioner in this case; accordingly, a prayer has been made that the abovesaid FIR may kindly be quashed only against the petitioner herein and the proceedings may go on against the other accused in the said FIR.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and compromised only between the petitioner in this case and respondent No.2/complainant so as to bring peace and amity between the parties. Accordingly, it is submitted that present FIR No.71 dated 01.07.2022 may kindly be quashed only against the petitioner herein and the proceedings may be directed to go on against the other accused in the said FIR.

Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

I have heard the learned counsel for the parties and have perused the file.

The issue regarding quashing of FIR against one or few of many accused and allowing the proceedings to continue against the other co-accused was subject matter before various Courts on different occasions and considering totality of facts and circumstances, the Courts have

permitted quashing of FIR qua some of accused and at the same time, the proceedings have been allowed to continue against other co-accused. Some of the decisions in this regard are as follows:

In “*Jayrajsinh Digvijay Singh Rana v. State of Gujarat*”, 2012(12) SCC 401; Hon'ble Apex Court quashed the FIR where the compromise was effected by one of the accused with the complainant, by observing as under:

“...In the case on hand, irrespective of the earlier dispute between Respondent No. 2-the complainant and the appellant being Accused No. 3 as well as Accused Nos. 1 and 2 subsequently and after getting all the materials, relevant details etc., the present appellant (Accused No. 3) sworn an affidavit with bona fide intention securing the right, title and interest in favour of Respondent No. 2 herein-the Complainant. In such bona fide circumstances, the power under Section 482 may be exercised. Further, in view of the settlement arrived at between Respondent No. 2-the complainant and the appellant (Accused No. 3), there is no chance of recording a conviction insofar as the present appellant is concerned and the entire exercise of trial is destined to be an exercise in futility. Inasmuch as the matter has not reached the stage of trial, we are of the view that the High Court, by exercising the inherent power under section 482 of the Code even in offences which are not compoundable under Section 320, may quash the prosecution. However, as observed in Shiji (supra), the power under Section 482 has to be exercised sparingly and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. In other words, the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law.

10. In the light of the principles mentioned above, inasmuch as Respondent No. 2-the Complainant has filed an affidavit

highlighting the stand taken by the appellant (Accused No. 3) during the pendency of the appeal before this Court and the terms of settlement as stated in the said affidavit, by applying the same analogy and in order to do complete justice under Article 142 of the Constitution, we accept the terms of settlement insofar as the appellant herein (Accused No. 3) is concerned.

11. In view of the same, we quash and set aside the impugned FIR No. 45/2011 registered with Sanand Police Station, Ahmedabad for offences punishable under Sections 467, 468, 471, 420 and 120B of Indian Penal Code insofar as the appellant (Accused No. 3) is concerned. The appeal is allowed to the extent mentioned above...”

Partial or part quashing of FIR only qua the accused/offender with whom the complainant has compromised has also been upheld in **“Lovely Salhotra and Anr. v. State, NCT of Delhi”, 2017 (3) R.C.R. (Criminal) 85**, vide judgment dated 10.04.2017, passed by the Hon'ble Apex Court; wherein it was observed to the effect that it could not be held that the FIR cannot be quashed in part where no offence was made out against the accused who sought quashing of the FIR. The observations in paragraphs 3 and 6 of the said verdict of the Apex Court are to the following effect:

"3. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No. 2- herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos.2, 3, 4 and 6 prima facie.

- X - X -

6. *Accordingly, we set aside the order of the High Court and quash the FIR qua the appellants-herein."*

In **“Vijay Kumar Gupta v. State, Government of NCT of Delhi” in Crl.M.C. No.2289/2013**, the Delhi High Court made the following observations in paragraph No. 7 thereof:

"7. Looking into the facts and circumstances of the case and the fact that the petitioners have paid the loan/settlement amount to the Respondent No. 2 and nothing remains to be adjudicated further, to remove the hurdle in the personal life of the present petitioners for leading better and peaceful life and to meet the ends of justice, I deem it appropriate to quash the FIR No. 107/2003, under Section 406/420/468/471 Indian Penal Code, 1860, registered at Police Station - Parliament Street, Delhi qua against the petitioners, namely Vijay Kumar Gupta, Raj Kumar Sharma and Vinod Chaudhary only to the extent of their role in commission of the alleged offence."

In **“Sarabjit Singh v. State of Punjab”, 2007(3) RCR (Criminal) 479 (P&H)**, money was taken by the accused in the said case for sending son of the complainant abroad, but he was sent to some other destination. The complainant had settled the dispute with the petitioners in the said case but not with the other accused, who had also filed the petition in this Court for quashing of the complaint. This Court quashed the complaint *qua* the petitioners in the said case by making it clear that the proceedings against the other accused would continue.

In **“Gurtej Singh vs. State of Haryana”, 2010(3) RCR (Criminal) 660 (P&H)**, it was held as under:

“6. The present dispute is purely personal in nature and the compromise has been arrived at between the petitioner and complainant. The said compromise has been arrived at between the two without any pressure. The complainant has no objection if the said FIR is quashed qua the present petitioner.

7. *Taking into account the allegations as well as the statement of the complainant and the matter being totally personal in nature, there is no impediment in the way of this Court to quash the present FIR at least qua the petitioner.*

8. *Keeping in mind the decisions rendered by this Court in the cases of Parambir Singh Gill, Kulwinder Singh as well as the decision rendered by the Hon'ble Supreme Court in the case of Madan Mohan Abbot (supra) as also the facts of the present case, the compromise deserves to be accepted. Thus, it would be in the interest of justice to quash FIR No. 94 dated 03.07.2008 under sections 420, 467, 468, 471, 120B of Indian Penal Code, Police Station Pinjore, District Panchkula as well as further proceedings arising out of the same for keeping peace, harmony as well as to reduce friction in the society qua the petitioner only.*

9. *Accordingly, the aforesaid FIR and further proceedings arising out of the same are hereby quashed qua the petitioner whereas the proceedings against other accused shall continue..."*

Keeping in view the aforementioned position, it is noticed that the present petition, which has been filed by petitioner herein, out of eight accused, seeking quashing of FIR in question on the basis of compromise; thus, is a case of partial compromise which is permissible as per the judgments referred above.

Further, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '*Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another*' (2017) 9 SCC 641', the same are extracted as under:

16. The broad principles which emerge from the precedents on

the subject, may be summarised in the following propositions :

16.1 Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

16.2 The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3 In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

16.4 While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

16.5 The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

16.6 In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly

speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

16.7 As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

16.8 Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

16.9 In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10 There is yet an exception to the principle set out in propositions 16.8 and 16.9 above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

Having appraised the afore-stated para-meters and weighing upon the peculiar facts and circumstances of the instant case, this court is inclined to invoke powers under Section 482 Cr.P.C. to quash the criminal proceedings for the following reasons:

1. The alleged occurrence prima facie appears to be a result

of misunderstanding between the parties.

2. The petitioner does not suffer any criminal antecedents and is not involved in any other case.

3. Respondent No.2- complainant has filed an affidavit before this Court that the name of the petitioner was given in the FIR under a misconception and the misunderstanding between him and petitioner has been removed.

4. The FIR in this case was lodged on 01.07.2022 and the compromise was effected on 27.09.2022 and there is nothing on record to show that either before or after the purported compromise, any untoward incident transpired between the parties;

5. The parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s);

6. The complainant is not likely to support the case of the prosecution against the petitioner.

7. The object of law is well served when the parties resolve their differences and chose to peacefully co-exist and live in harmony.

8. The grievances having been resolved, no interest of justice would be served by forcing the petitioner to undergo rigours of criminal proceedings.

9. The quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill-will and have no

vengeance against each other; and continuation of the proceedings against the petitioner is not likely to advance any interest of justice.

10. The cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties.

For the reasons stated above, this petition is allowed and the criminal proceedings in the aforesaid FIR No.71 dated 01.07.2022, under Sections 324, 325, 341, 148, 149 and 506 of Indian Penal Code, 1860 (Section 326 of IPC, 1860 added later on), registered at Police Station Daba, Ludhiana, District Ludhiana, and all consequential proceedings arising therefrom, are quashed qua the petitioner herein only. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the **“Poor Patients' Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

It is clarified that the proceedings against the other accused shall continue.

Allowed in the aforesaid terms.

23.02.2023

Himani/Apurva

(HARSH BUNGER)
JUDGE

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