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

**CRM-M-59716-2022 (O&M)
Date of decision : 20.11.2023**

Siddik Alam

... Petitioner(s)

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Sharma, Advocate,
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Mr. Satnam Singh, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.83 dated 02.04.2022 (**P-1**), under Sections 381 & 411 (added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*') registered at Police Station, Division No.6, District Ludhiana, along with all consequential proceedings arising therefrom on the basis of compromise dated 06.12.2022 (**P-2**), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that the petitioner committed theft of articles lying in the warehouse of complainant's firm.

3. A Co-ordinate Bench, while issuing notice of motion on 21.12.2022, passed the following order:-

“The petitioner through instant petition, on the basis of compromise is seeking quashing of FIR No.83 dated 02.04.2022 (Annexure P-1) registered at Police Station Division No.6, District Ludhiana, under Sections 381 and 411 (later on added) of Indian Penal Code.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of respondent No. 1 State.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 04.01.2023 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioner is appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioner.*
- iv) Whether any accused has been declared proclaimed offender.*

Adjourned to 17.01.2023.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 06.01.2023 has been submitted in this regard by learned Judicial Magistrate 1st Class, Ludhiana. The operative part of the same reads as under:-

“On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.”

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 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. 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 predominately 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 involve any 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 petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs.10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

20.11.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No
Whether reportable : Yes / No