



281 (2nd case)

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

**CRM-M-7618-2023 (O&M)
Date of decision: 16.05.2024**

Shinda Singh @ Chhinda Singh and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate for the petitioners.

Ms. Avneet, AAG, Punjab for respondent No.1.

Mr. Vikasdeep Singh, Advocate for respondent Nos.2 to 4.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.16 dated 16.03.2022 (P-1), under Sections 452, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Kacha Pacca, District Tarn Taran along with all consequential proceedings arising therefrom qua the petitioners on the basis of compromise by way of affidavit dated 28.12.2022 (P-3).



(2) Above FIR was registered by respondent No.2-Tarlochan Singh with the allegations that petitioner along with co-accused attacked the complainant party with knife, *gandasi & dang*; thereby gave beatings and injuries to them.

(3) The Coordinate Bench, while issuing notice of motion on 14.02.2023, passed the following order:-

“The prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.16, dated 16.03.2022, under Sections 452/323/324/148/149 of IPC, 1860, registered at Police Station Kacha Pacca, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of compromise dated 28.12.2022, arrived at between the parties.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to her during the course of the day.

Mr. Vikasdeep Singh, Advocate has appeared and filed his power of attorney on behalf of respondents No.2 to 4 today in the Court and the same is taken on record. He affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to report on the following points:-

(i) *how many total accused are facing the trial;*



- (ii) *whether challan is presented in the Court? If so, against how many accused;*
- (iii) *whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iv) *status/stage of the trial/case;*
- (v) *to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (vi) *to record the statement of Investigating Officer with regard to points No.(i), (ii), (iii) and (iv) as above.*

Report be sent through the District & Sessions Judge, before the next date of hearing.

Adjourned to 11.07.2023.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Patti and submitted a report dated 18.01.2024. The operative part of the same reads as under:-

“i) As per the statement of Investigating Officer, in the present case there are total of 14/15 persons arraigned as accused out of which 08 persons are named as accused, that is, Shinda Singh @ Chhinda Singh son of Darshan Singh, Paramjit Singh Pamma son of Sahib Singh, Kuldeep Singh son of Sahib Singh, Harpreet Singh son of Baldev Singh, Darshan Singh son of Malook Singh, Jagtar Singh son of Major Singh, Anwar Masih @ Kaddu @ Anwar Singh son of Darshan Singh, Karaj Singh @ Pintu son of Darshan Singh and that there are 06/07 unidentified persons in the present case;

ii) As per statement of Investigating Officer, Challan has not been presented in the Court;

iii) As per statement of Investigating Officer, none of the accused has been declared as proclaimed offender;



iv) As per statement of Investigating Officer, as the challan has not been presented in this case, therefore the case is at the stage of investigation;

v) The statements of both the parties with regard to the genuineness and validity of the compromise has been recorded on dated 23.02.2023, wherein both the parties stated in their respective statements that the matter has been compromised between both the parties with their mutual consent, free Will and without any kind of pressure, fear, coercion, threat or undue influence;

vi) The statement of investigating officer as regards point no.(i) to (iv) has been recorded;”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as private respondent(s) with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions from ASI Kashmir Singh, 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) Learned Counsel for respondent Nos.2 to 4 also raises no objection.

(8) Hon’ble the Supreme Court in ‘**Gian Singh Versus 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.”

(9) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect any 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.

(10) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

(11) Pending application(s), if any, shall also stand disposed off.

16th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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