

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

CRM M-13582-2024 (O&M)
Date of Decision: 19.04.2024

Jatinder SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. I. S. Cooner, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr. Shruti Sharma, Advocate, for
Mr. Raj Partap Singh Brar, Advocate, for respondent No.2.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.344 dated 26.09.2021 (**Annexure P-1**) registered under Sections 353, 506, 332, 448, 186, 148 read with Section 149 of the Indian Penal Code, 1860 (for short, *‘the IPC’*) at Police Station, Kotwali Patiala, District Patiala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. Allegations are that petitioner along with co-accused formed an unlawful assembly and in furtherance of their common object, gave threats and caused injuries on the person of informant when he stopped them from entering into the college.

3. A Co-ordinate Bench, while issuing notice of motion, on 18.03.2024, passed the following order:-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.344 dated 26.09.2021 under Sections 353, 506,

332, 448, 186, 148, 149 of IPC, registered at Police Station Kotwali Patiala, District Patiala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

*Learned counsel for the petitioner relies upon judgment passed by the Hon'ble Division Bench of this Court in **Vinod @ Boda and others Vs. State of Haryana and another, 2017 (1) RCR (CrL) 571** to contend that even if the complainant is a public servant, the FIR (supra) can be quashed on the basis of compromise.*

Notice of motion for 19.04.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Raj Partap Singh Brar, Advocate accepts notice for respondent No.2 and files Vakalatnama, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 19.04.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, Patiala (Punjab) and submitted a report dated 15.04.2024. The operative part of the same reads as under:-

“1. In view of the statements of the parties i.e. complainant/victim and accused person, it is found that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from

any quarter. The compromise has been arrived at with an aim to put an end to the ensuing rivalry between the parties.

2. As per statement of Assistant Sub Inspector Kewal Singh No.2958/Patiala posted as Police Station Division No.2, Police Station Kotwali, Patiala, accused person namely Jatinder Singh @ Cheenu is neither proclaimed person/offender nor any proclaimed person proceedings are pending against above named accused person in this case.”

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. Contends that qua co-accused, namely, Gurjinder Singh, above FIR has already been quashed by the Co-ordinate Bench vide order dated 27.02.2024 (Annexure P-5).

7. Learned State Counsel, on instructions from the police official 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.

8. Learned counsel for the respondent No.2 also raises no objection incase the present petition is allowed.

9. 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 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.”

10. In view of the above, this Court is fully convinced that the offence(s) are entirely personal in nature and do 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.

11. 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, petitioner shall bear costs of Rs.10,000/-(Rupees Ten Thousand Only). Costs be deposited with Punjab and Haryana High Court Employees Welfare Association, A/C No. 37167209613, IFSC: SBIN0050306 maintained with State Bank of India, Punjab & Haryana High Court Branch, Chandigarh.

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

19.04.2024
anil

(MAHABIR SINGH SINDHU)
JUDGE

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