

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

298-A

CRR-670 of 2022 (O&M)
Date of Decision:25.01.2024

Daljit Kaur and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Aashna Gill, Advocate,
for the applicants-petitioners.

Ms. Kanica Sachdeva, AAG, Punjab

Ms. Rashika Bansal, Advocate, for
Mr. Dheeraj Mahajan, Advocate,
for respondent No.2.

SUDEEPTI SHARMA, J. (Oral)

CRM-50246 of 2022

Vide this application, the applicants-petitioners seek permission to place on record compromise dated 17.10.2022 and first motion statements of Tania Tega and Ranjit Singh dated 24.11.2022 as Annexure P-7 and P-8.

For the reasons mentioned in the application, the same is allowed and compromise dated 17.10.2022 and first motion statements of Tania Tega and Ranjit Singh dated 24.11.2022 are taken on record as Annexure P-7 and P-8 respectively subject to all just exceptions.

Main case

1. Vide this revision petition, the petitioners seek quashing of charge-sheet dated 19.01.2022 framed under Sections 406, 498-A, 506, 120-B of the IPC against all the petitioners, whereas charges framed under Sections 354 and 376 read with Section 511 of the IPC against petitioner No.2 only as well as impugned order dated 19.01.2022 passed by the learned Addl. Sessions Judge, Gurdaspur in case bearing FIR No.119 dated 26.10.2020, registered under Sections 498-A and 406 of the Indian Penal Code, 1860 (Sections 354, 376, 511, 506 and 120-B IPC added subsequently), at Police Station Behrampur, District Gurdaspur.

2. From a perusal of copy of compromise dated 17.10.2022 (Annexure P-7) as well as first motion statementd of respondent No.2/complainant (Tania Tega) and Ranjit Singh (husband of respondent No.2) dated 24.11.2022, reveal that the parties have compromised the matter voluntarily without any threat, pressure and undue influence and all the disputes between the parties have been resolved and further the complainant/respondent No.2 has no objection in case the present revision petition is allowed as prayed for.

3. The Apex Court in the case of **Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303]** has held as under :

“57. 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 F.I.R may be exercised where the offender and 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 serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like 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 pre-dominantly civil flavour stand on 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, High Court may quash criminal

proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

4. In view of the above and keeping in view of the compromise reached between the parties, that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue with the criminal proceedings.

5. Resultantly, charge-sheet dated 19.01.2022 framed under Sections 406, 498-A, 506, 120-B of the IPC against all the petitioners, whereas charges framed Sections 354 and 376 read with Section 511 of the IPC against petitioner No.2 only as well as impugned order dated 19.01.2022 passed by the learned Addl. Sessions Judge, Gurdaspur, in case bearing FIR No.119 dated 26.10.2020, registered under Sections 498-A and 406 of the Indian Penal Code, 1860 (Sections 354, 376, 511, 506 and 120-B IPC added

subsequently), at Police Station Behrampur, District Gurdaspur, are hereby quashed on the basis of compromise dated 17.10.2022 (Annexure P-7).

- 6. The petition is accordingly allowed.
- 7. Pending applications, if any, also stand disposed off.

(SUDEEPTI SHARMA)
JUDGE

January 25, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No