



315-2 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13667 of 2024
Date of Decision: 10.12.2024

Amrik Singh
..... Petitioner
Versus
State of Punjab and another
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Monika Thakur, Advocate
for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.
Mr. Harsh Chopra, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed praying for the quashing of FIR No.84, dated 11.08.2023, under Sections 177, 420 and 120-B of Indian Penal Code, 1860, registered at Police Station Dehlon, Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom. Further prayer has been made for staying the further proceedings during the pendency of the present petition.
2. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present FIR on the basis of false and frivolous allegations. She has submitted that the complainant has lodged the FIR wherein the precise allegations made were to the effect that after the death of father of complainant, her sister Gurdeep Kaur in connivance with other accused got the mutation of inheritance



entered alone in her name and thus divested the complainant of her legal right in the ancestral property of her father. It was alleged that all the accused in connivance with each other prepared a false and forged affidavit for entering the mutation in the name of co-accused, Gurdeep Kaur. She has submitted that the petitioner, namely, Amrik Singh, who was the lambardar of village, had attested the same as attesting witness. She has submitted that after registration of the FIR, co-accused, namely, Gurdeep Kaur had settled the dispute amicably with the complainant as she was the sister of complainant. She has submitted that co-accused, namely, Gurdeep Kaur has already filed the petition bearing CRM-M No.2123 of 2024 for quashing of this FIR *qua* her on the basis of compromise arrived at between her and the complainant vide compromise deed dated 06.01.2024. She has submitted that the petitioner is a senior citizen, against whom the allegation in the FIR is only to the extent that he attested the Pedigree table of the family of complainant. She has submitted that the beneficiary, if at all, is co-accused, namely, Gurdeep Kaur and not the petitioner, Amrik Singh, however Gurdeep Kaur has already settled the dispute amicably with the complainant and thus, prosecution of the petitioner in such circumstances is nothing but an abuse of the process of the Court. She has submitted that the petitioner has no criminal antecedents and he remained behind bars for 02 months when this Court granted him regular bail vide order dated 19.01.2024.

3. On 03.12.2024, husband of respondent No.2-complainant, namely, Ranjit Singh was present in person in the Court. At the outset he stated that he never objected to compromise with the petitioner, however the petitioner never turned up for the same. On the submissions made by



husband of respondent No.2, namely, Ranjit Singh, this Court directed the petitioner, Amrik Singh to be present in person in the Court vide order dated 03.12.2024.

4. Today, the petitioner-Amrik Singh, respondent No.2-Baljit Kaur along with her husband, Ranjit Singh are present in the Court. The Court has interacted with the parties present in person.

5. Petitioner, namely, Amrik Singh has submitted before this Court that he is a poor person and was duly discharging his duties as lambardar. He has submitted that time and again, he approached the complainant for settling the matter and burying the hatchet but the complainant remained adamant to prosecute him. However the complainant side has submitted before this Court that the petitioner did not approach them for compromise and they were always ready to settle the dispute amicably. However now they do not want to compromise with Amrik Singh as they had to face a lot of harassment for which they held Amrik Singh responsible. The petitioner present in the Court has tendered his apology to the complainant and has submitted that the complainant is demanding money from him for settling the matter and he has no financial capacity to satisfy the demands of complainant.

6. After going through the facts and circumstances of the present case, it is clear that the beneficiary of present case is co-accused, namely, Gurdeep Kaur Dhaliwal, who is the sister of complainant, with whom the complainant has compromised the matter and the petition bearing **CRM-M No.2123 of 2024** filed by said Gurdeep Kaur for quashing of FIR has been allowed on the basis of compromise. The role of present petitioner is only that he is a attesting witness and he is not the



beneficiary from the transfer of the land made in favour of the co-accused, Gurdeep Kaur.

7. Hence, this Court finds the stand taken by the complainant totally misconceived. Amrik Singh is not the beneficiary and it was only the sister of complainant, who was beneficiary. When the complainant has compromised the matter with the main accused, then the proceedings against the attesting witness cannot be allowed to continue as it will be only a futile exercise and will amount to harassing and punishing a person who gained nothing in the alleged incident.

8. Thereafter, Hon'ble Supreme Court in ***Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303*** further dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in ***State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335***. Para 61 of the judgment reads 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 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 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 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 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. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that the complainant now intends to prosecute the petitioner, out of greed.

10. Thus this Court finds that prosecution of the petitioner would be nothing but an abuse of the process of the Court. As a result, this Court allows the present petition and hence, FIR No.84, dated 11.08.2023, under Sections 177, 420 and 120-B of Indian Penal Code, 1860, registered at Police Station Dehlon, Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner, namely, Amrik Singh.

10.12.2024
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(RAJESH BHARDWAJ)
JUDGE

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