

**306(2) IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-23022-2023 (O&M)
Date of Decision: 24.04.2024**

Pardeep Singh and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Barjinder Singh, Advocate,
for the petitioners.

Ms. Avneet, AAG, Punjab.

Mr. Prateek Pandit, Advocate,
for respondents No.2 and 3.**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of cross case registered vide Rapat No.49 dated 22.09.2021 under Sections 323 and 325 read with Section 34 IPC in FIR No.120 dated 21.09.2021 (P-1) under Sections 323, 324, 326, 341 and 148 read with Section 149 IPC (Section 326 IPC added later on), at Police Station, Maqsudan, District Jalandhar (Rural) along with all consequential proceedings arising therefrom on the basis of compromise dated 04.04.2022 (P-3) entered into between the parties i.e. petitioners as well as respondents No.2 and 3.

2. Allegations are that petitioners in furtherance of their common intention, caused injuries on the person of Manroop Singh @ Machu and Gurinder Singh.

3. A Coordinate Bench of this Court, while issuing notice of motion, on 08.05.2023, passed the following order:-

“Prayer in this petition is for quashing of cross case registered vide Rapat No. 49, dated 22.09.2021 registered under Sections 323, 325, 34 IPC at Police Station Maqsudan, District Jalandhar Rural (Annexure P-2) in FIR No.120 dated 21.09.2021 registered under Sections 323, 324, 326, 341 and 148 read with Section 149 IPC (Section 326 IPC added later on), at Police Station, Maqsudan, District Jalandhar (Rural) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.04.2022 (Annexure P-2) having been arrived at between the parties.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of respondent-State.

Mr. Prateek Pandit, Advocate, has put in appearance on behalf of respondents No.2 & 3 and has filed his power of attorney. He accepts notice. He also admits the factum of compromise arrived at between the parties.

List on 25.07.2023.

In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to compromise/settlement on 16.05.2023 or any other convenient date to the Court.

The trial Court/Area Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other case or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The question as to whether FIR registered under Section 326 IPC can be quashed on the basis of compromise is left open and shall be decided at the time of the disposal of the instant petition.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Jalandhar and submitted a report dated 25.09.2023. The operative part of the same reads as under:-

- 1) As per the statement of the complainant, accused persons and Investigating Officer, there are two accused persons namely Pardeep Singh and Rajinder Singh in the present case.*

2) *As per statements of accused persons and the Investigating Officer, accused persons namely Pardeep Singh and Rajinder Singh are not proclaimed offenders.*

3) *As per statements of complainant, accused persons and Investigating Officer, the compromise is genuine, voluntary and without any coercion or undue influence.*

4) *As per statements of accused persons and the Investigating Officer, accused persons namely Pardeep Singh and Rajinder Singh are not involved in any other FIR.*

5) *As per statements of complainant/respondents, accused persons and the Investigating Officer, two persons namely Manroop Singh @ Machu and Gurinder Singh are complainant/victim of the present 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. 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.

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 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.”

8. 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.

9. Consequently, present petition is allowed; aforesaid cross case registered vide Rapat No. 49 dated 22.09.2021 (P-2) in FIR No.120 dated 21.09.2021 (P-1) along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

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

24.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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