



CRM-M-26690-2024 (O&M)

1

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

277

CRM-M-26690-2024 (O&M)

Date of Decision: 08.08.2024

PARAMJIT SINGH ALIAS TIKKA AND ANOTHERPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ravi Malhotra, Advocate for the petitioners.

Mr. Amandeep Singh Samra, AAG, Punjab.

Mr. Ashish Bakshi, Advocate for respondents no. 2 & 3.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.134 dated 06.10.2014 under Sections 406, 420 IPC registered at Police Station Bhogpur, District Jalandhar City, Punjab as well as judgment of conviction and order of sentence dated 29.01.2020 passed by the Court of Ld. Judicial Magistrate 1st Class, Jalandhar whereby the petitioners had been convicted for commission of offences punishable under Section 406 and 420 of IPC and all the subsequent proceedings arising therefrom, on the basis of compromise dated 14.06.2023 (Annexure P-3).

2. This Court vide order dated 24.05.2024 had directed the parties to appear before the Illaqa/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the learned Additional District and Sessions Judge, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.07.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence and none of the accused persons have been declared as proclaimed persons. It is also mentioned in the report that three persons namely Paramjit Singh @ Tikka, Balwinder Singh @ Billu and Ramanjit Kaur were arrayed as accused in the FIR. After conclusion of trial, learned trial Court convicted them. They preferred appeal, which is pending before this Court. Appellant/accused Ramanjit Kaur absented herself during the pendency of appeal and thus non bailable warrants have been issued against her to procure her presence. However, petitioners no.1 and 2 namely Pramjit Singh @Tikka and Balwinder Singh had appeared before the concerned Court. Separate statements of present petitioners, respondent No.2 (Victim), respondent no.3 (Complainant) as well as the Investigating Officer have been recorded.

4. The factum of compromise having been arrived at between the parties has neither been disputed by learned State counsel nor by the counsel for respondents No.2 & 3. Learned State counsel, however, has submitted that it is a case of partial compromise as the co-accused Ramanjit Kaur even though a party to the same, has failed to appear before the Ld. Trial Court to get her statement recorded qua the veracity of such compromise and even non-bailable warrants have been issued against her to procure her presence as is reflected by the report sent by Ld. Magistrate to the Court. In the

opinion of this Court, since it has come on record that the compromise has been effected between the parties to maintain peace and harmony, therefore, continuation of these proceedings would be a futile exercise and an abuse of process of law thus partial quashing or part quashing of the FIR qua the petitioner only, can be allowed. In this regard reliance can be placed upon the observations made by Delhi High Court in ***“Sunil Tomar Vs. State of NCT of Delhi”***, 2022(2) CrI. CC 179 and ***“Lovely Salhotra and another vs. State of NCT of Delhi”***, (2018) 12 SCC 391 as well as judgments passed by the co-ordinate Bench of this Court in ***“Parambir Singh Gill vs. Malkiat Kaur”***, 2010 (1) RCR (Criminal) 256 and ***“Samay Singh vs. State of Haryana”*** 2023 NCPHHC 99612.

5 It is well settled law that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab***, 2007 (3) RCR (Criminal) 1052. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to

abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466*. Reference can also be made to another judgment rendered *in Ramawatar vs. State of Madhya Pradesh, 2021 CrL. L.R. (SC) 1527*, wherein, it was observed that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an Appellate Court. The pendency of legal proceedings, be that may before the final Court, is sine-qua-non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. It was also observed that the purpose of these extra-ordinary powers was not to incentivize any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

6. Reliance can also be placed upon *Sube Singh and another vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102*, wherein a Division Bench of this Court has held that even after the conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C., can compound the offence. Accordingly, the judgment of conviction and order of sentence passed by the trial Court was set aside and it was directed that the appeal, pending before the lower appellate Court, would be rendered infructuous. Reference can also be made to the judgment rendered in *K. Subramanian vs. R. Rajathi Rep. By P.O.P. Kaliappan, 2010 (1) RCR (Criminal) 184*, whereby, on the basis of the compromise entered into between the parties, Hon'ble Supreme Court has set aside the judgment of conviction and order of sentence passed by the trial Court and the accused was acquitted of the charge, framed against him under Section 138 of the Negotiable Instruments Act. With these broad submissions, it is urged that the present petition deserves to be allowed.

7. Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (Supra)*, this petition is allowed and FIR No.134 dated 06.10.2014 under Sections 406, 420 IPC registered at Police Station Bhogpur, District Jalandhar City, Punjab as well as judgment of conviction and order of sentence dated 29.01.2020 passed by the Court of Ld. Judicial Magistrate 1st Class, Jalandhar whereby the petitioners had been convicted for commission of

offences punishable under Section 406 and 420 of IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 14.06.2023 (Annexure P-3) are quashed qua the petitioners herein only.

08.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. *Whether speaking/reasoned* : Yes/No
- 2. *Whether reportable* : Yes/No