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

**CRM-8184-2024 IN/AND
CRM-M-30398-2023 (O&M)
Date of decision : 30.04.2024**

Gurjit Singh @ Jeeta and another

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kulwant Singh, Advocate
for the petitioners.
Ms. Avneet, AAG, Punjab.
Mr. Gagandeep Singh, Advocate for
Mr. Naveen Siwach, Advocate for respondent Nos. 2 & 3.

MAHABIR SINGH SINDHU, J.

CRM-8184-2024

Application under Section 482 of Cr.P.C. for placing on record
Annexure P-3 to P-6 (Copies of judgments) in terms of order dated
08.02.2024 passed by this Court.

For the reasons mentioned in the application, same is allowed
as prayed for subject to all just exceptions. Annexures P-3 to P-6 are taken
on record. Registry to do the needful.

Main case

Present petition has been filed under Section 482 Cr.P.C. for
quashing of FIR No. 111 dated 24.07.2018 registered under Sections 323,
325, 452 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC')
at Police Station, Goraya, District Jalandhar Rural on basis of compromise
dated 18.07.2022 (P-2) arrived at between the parties i.e. petitioners and
respondent Nos. 2 & 3.

2. Allegations are that petitioners inflicted multiple injuries to complainant and his mother with iron rods.

3. This Court on 01.09.2023, passed the following order:-

“(1) Let parties appear before the Court of learned Illaqa Magistrate/trial Court on 18.09.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(2) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i) Whether the statements of the parties are bonafide and not result of any pressure or coercion etc. in any manner?

(ii) Whether the compromise effected between the parties is genuine and valid?

(iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi) Whether any of the petitioner(s) is/are previous convict or not?

3. List before this Court on 19.10.2023 for further consideration.

4. Meanwhile, learned State counsel shall also get the instructions in the matter as to whether the State has any objection?

5. Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

6. Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 06.10.2023 has been submitted in this regard by

learned Judicial Magistrate First Class, Phillaur. The operative part of the same reads as under:-

“ It has been stated by the parties that they have compromised the matter with their own free will and without any force, pressure or undue influence and the same is voluntary. I am satisfied that the compromise between the parties is genuine and of their own free will and without any force, pressure or undue influence.

X X X X X

As per the record and statement of Investigating Officer, accused Paras is not involved in any other FIR and has never been convicted. However, accused-Gurjit Singh was convicted in two FIRs (i) FIR No. 108 dated 18.08.2005 under Sections 323, 324, 326 IPC PS Goraya and (ii) FIR No. 136 dated 09.12.2009 under Section 382 IPC PS Goraya.”

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 counsel for the petitioner contends that matter has been amicably settled between the parties i.e. petitioners and respondent Nos. 2 & 3. Further contends that petitioner No. 1 stands acquitted in both FIR No. 108 dated 18.08.2005 and FIR No. 136 dated 09.12.009 (*ibid*) vide judgment dated 24.03.2008 (P3) passed by learned Judicial Magistrate First Class, Phillaur and judgment dated 01.05.2014 (P5) passed by learned Addl. Sessions Judge, Jalandhar respectively.

7. Learned State Counsel, after obtaining instructions has acknowledged that as on today, petitioner No. 1 is not a convict in any criminal case.

8. Learned counsel for respondent Nos. 2 & 3 have acknowledged the factum of compromise effected between the parties i.e. petitioners and respondent Nos. 2 & 3.

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 above, this Court is fully convinced that the offence is entirely personal in nature and does not affect 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.
12. No costs.
13. Pending application(s), if any, shall also stand disposed off.

30.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned

:

Yes / No

Whether reportable

:

Yes / No