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

**CRM-M No.37936 of 2024
Date of Decision: 15.10.2024**

Parkash Kumar Jha **Petitioner**

Versus

State of Punjab and others **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Chandan S. Rana, Advocate and
Ms. Sonia Parmar, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

Mr. Vikrant Pujara, Advocate
for respondents No.2 to 4.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.66, dated 12.04.2022, under Sections 307, 323, 341, 427, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25 & 27 of Arms Act, 1959 (Annexure P-1), registered at Police Station Tibba, District Ludhiana against the petitioner along with all other subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 12.07.2024 (Annexure P-2). Further prayer has been made that statement of respondent No.4-Maninderjot Singh son of Harpal Singh, who is a victim in the aforesaid FIR may kindly be



recorded through video conferencing before the learned trial Court as he is living in Canada.

2. FIR in question was got registered by complainant-respondent No.2 and the investigation commenced thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their *inter se* dispute, which is apparent from Compromise Deed, annexed as Annexure P-2. On the basis of the compromise, the petitioner is invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question and all the subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 07.08.2024 directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements, as contended before the Court, and the trial Court/Illaq Magistrate was also directed to send its report.

4. In pursuance to the same, learned Judicial Magistrate First Class, Ludhiana has sent the report dated 07.10.2024 to this Court. With the report, she has also annexed the original statement of complainant/respondent No.2, namely, Jasvir Singh Grewal and separate original statements of respondents No.3 & 4, namely, Parminder Singh and Maninderjot Singh recorded on 05.09.2024. She has also annexed the original statement of petitioner, namely, Parkash Kumar Jha recorded on 05.09.2024. She has also annexed the original statement of ASI Sham



Singh recorded on 05.09.2024. On the basis of the statements, learned Judicial Magistrate First Class, Ludhiana has concluded in the report that the compromise effected between the parties is genuine, voluntary and without any undue influence or coercion. It has been further mentioned that the present FIR was registered against 23 accused persons. As per the statement of the IO, FIR No.78, dated 22.05.2019, under Sections 302, 201, 34, 120-B IPC, Police Station Dugri, Ludhiana; FIR No.139, dated 22.06.2023, under Sections 21-65-85 of NDPS Act, Police Station Jamalpur, Ludhiana and FIR No.18/2024, under Sections 336, 427, 148, 149 pf IPC and Sections 25 & 27 of Arms Act, Police Station Daresi, Ludhiana are registered against the accused, Parkash Kumar Jha. It has further been mentioned that accused Parkash Kumar Jha was declared proclaimed offender in the present FIR and the investigation in the present case is still pending.

5. Learned counsel for the petitioner has submitted that the parties have compromised the matter amicably and have decided to get the FIR lodged against the petitioners quashed and as such the present petition is liable to be accepted.

6. Learned counsel for respondents No.2 to 4 has also pleaded no objection, if the present FIR is quashed.

7. However, learned State counsel has pointed out that Section 307 IPC in the present case is a serious offence and no compromise should be allowed to be effected in such like serious offence.



8. I have heard learned counsel for the parties, perused the record and the report sent by learned Judicial Magistrate Ist Class, Ludhiana. Although the petitioner is involved in other cases also but he is bound to face the trial and the resultant decision taken thereon by the concerned Court after due trial as per law and the compromise has been effected only in the present case.

9. The Hon'ble Supreme Court in "*Narinder Singh and others Versus State of Punjab and another*", 2014 (6) SCC 466 has held as under:-

"31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(I) to (V)

(VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the



former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

10. A bare perusal of statutory provision of the 482 Cr.P.C. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 320 Cr.P.C. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Indian Penal Code.

11. Keeping in view the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, the continuation of criminal prosecution would be a futile exercise. The Hon'ble Supreme Court in a number of cases including **B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675** followed by this Court in Full Bench case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052** have dealt with the proposition involved in the present case and settled the law.

12. 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 pre-dominatingly 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.”

13. Although present case pertains to an offence under Section 307 IPC yet good sense prevailed upon the parties and they have settled the dispute and this Court accepts the settlement just to enhance the spirit of brotherhood, peace and harmony between the parties and to improve their relationship in future. This view is supported by the Hon’ble Supreme Court in Narinder Singh’s (supra).



14. Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioner by quashing the FIR would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 482 Cr.P.C.

15. As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.66, dated 12.04.2022, under Sections 307, 323, 341, 427, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25 & 27 of Arms Act, 1959 (Annexure P-1), registered at Police Station Tibba, District Ludhiana along with all subsequent proceedings arising therefrom including the order declaring the petitioner proclaimed offender are hereby quashed *qua* the petitioner, namely, Parkash Kumar Jha on the basis of compromise. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and their statements recorded before the Court below.

16. Petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

15.10.2024

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