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

CRM-M-44828-2023 (O&M)

Date of decision : 06.02.2024

Lakhvir Singh alias Mani

... Petitioner

Versus

State of U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Dadwal, Advocate,
for the petitioner.

Mr. T.V.S. Lehal, Addl.P.P. for U.T., Chandigarh.

Mr. M.K. Dhot, Advocate, for
Mr. Sanjeev Aryna, Advocate
for respondents No.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.87 dated 04.08.2023 (P-1), under Sections 452, 364, 323 of the Indian Penal Code, 1860, registered at Police Station Manimajra, U.T., Chandigarh along with all consequential proceedings arising therefrom on the basis of affidavit/compromise dated 28.08.2023 (P-2), entered into between the parties i.e. petitioner and respondent Nos. 2 & 3.

2. Allegations are that the petitioner entered into the residence of respondent No.2, gave beatings to him as well as his son and also threatened to kill respondent Nos. 2 and 3.

3. A Co-ordinate Bench of this Court, while issuing notice of motion on 12.09.2023, passed the following order:-

“The present petition has been filed for quashing of FIR No.87 dated 04.08.2023 registered under Sections 452, 364 and 323 IPC at Police Station Manimajra, U.T. Chandigarh and all subsequent proceedings on the basis of compromise.

Notice of motion for 08.12.2023.

On asking of the Court, Mr. Tarun Vir Singh Lehal, Addl. P.P. for U.T. Chandigarh, accepts notice on behalf of the respondent/State. Mr. Sanjeev Roy, Advocate, accepts notice on behalf of the complainant- respondent Nos.2 and 3.

Learned counsel for the petitioner is directed to supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Illaq Magistrate on 29.09.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioner has been declared Proclaimed Offender in this case or not.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 13.10.2023 has been submitted in this regard by learned Judicial Magistrate 1st Class, Chandigarh. The operative part of the same reads as under:-

“ Accordingly, in view of the statement of parties and compromise deed, my assessment regarding the compromise is that the same is genuine and the same is not the result of any pressure or coercion in any manner. Further as per the statement of the Investigating Officer, the accused has not been declared proclaimed offender in this 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 officer 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. Learned counsel for respondents No. 2 & 3 has also acknowledged the fact that the compromise effected between the parties.

8. 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 predominately 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.”

9. 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.
10. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.
11. Pending application(s), if any, shall also stand disposed off.

06.02.2024
Satyawar

(MAHABIR SINGH SINDHU)
JUDGE

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

