

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CRM-M-52715-2022 (O&M)

Manvir Singh

... Petitioner

Versus

State of Punjab and another

...Respondents

(2) CRM-M-52870-2022 (O&M)

Manvir Singh

... Petitioner

Versus

State of Punjab and another

...Respondents

Date of decision: 22.03.2024

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sarju Puri, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab for respondent No.1.

Mr. Abhinav Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Petition (CRM-M-52715-2022) has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C.') for quashing the impugned proclamation order dated 19.12.2006 (P-1) and order dated 29.01.2007 (P-2), passed by learned Sub Divisional Judicial Magistrate, SBS Nagar, declaring the petitioner as a proclaimed offender in DDR No.37 dated 07.09.2004 (P-2), under Sections 323, 325 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Banga, District Nawanshahar (SBS Nagar) in FIR No.305 dated 06.09.2004 (P-1), under Sections 452, 323, 427 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Banga, District Nawanshahar (SBS Nagar).

Petition (CRM-M-52870-2022) has been filed under Section 482 Cr.P.C. for quashing of DDR No.37 dated 07.09.2004 (*ibid*) along with all consequential proceedings arising therefrom on the basis of compromise & affidavit dated 22.09.2022 (P-6 & P-7), respectively, entered into between the parties i.e. petitioner as well as respondent No.2.

(2) Above DDR was registered on the basis of complaint made by respondent No.2-Daljit Singh with the allegations that petitioner along with co-accused inflicted injuries upon person of complainant.

(3) This Court, on 30.01.2024, passed the following order (in CRM-2085-2024 in CRM-M-52715-2022):-

“Application to direct learned trial Court to record the statements of all the affected parties in respect of the compromise.

Notice of the application to the non-applicants.

On the asking of the Court, Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of respondent No.1.

Mr. Abhinav Singh, Advocate, appears on behalf of respondent No.2.

Learned counsel for respondents No.1 & 2 submit that they do not have any objection in case the application is allowed.

In view of the above and for the reasons stated in the application, same is allowed. Parties would be at liberty to record their statements before the learned Illaqa Magistrate/trial Court on or before 15.02.2024.

Posted for 06.03.2024.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, S.B.S. Nagar and submitted a report dated 19.02.2024. The operative part of the same reads as under:-

“3. On the basis of said statements, the report is submitted, as under, for the kind consideration of the Hon'ble High Court please:

a) that on the basis of statements suffered before this Court by the parties, this Court is of the considered view that the compromise entered into between the parties i.e. the complainant Daljit Singh and accused Manvir Singh is genuine, voluntary and without any coercion or undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties;

b) that as per the statement of the IO/ASI Ravinder Kumar, in the main version of FIR No.305 dated 06.09.2004, under Sections 452,323,427,34 of IPC, P.S. Sadar Banga, District SBS Nagar, there are total five accused persons. Out of the five accused persons, two accused namely Daljit Singh @ Kaka and Hirdejit Singh have been acquitted; accused Karanjeet Singh and Jaspal Singh were declared proclaimed persons, whereas, proceedings qua accused Sukhwinder Singh had been quashed by the Hon'ble High Court.

c) that as per the statement of the IO/ASI Ravinder Kumar, there is cross-version in FIR No.305 dated 06.09.2004, under Sections 452,323,427,34 of IPC, P.S. Sadar Banga,

District SBS Nagar i.e. DDR No.37 dated 07.09.2004, under Sections 323,325,34 of IPC, P.S. Banga, in which, accused Manvir Singh is one of the accused along with accused Kulvir Singh and Sukhvir Singh, who had been acquitted, whereas, fourth accused Gurpreet Singh had been declared proclaimed person, vide order dated 28.02.2014. There is only one victim/aggrieved person in the cross- version namely Daljit Singh.

d) that accused Manvir Singh was also nominated in FIR No.215 dated 14.07.2013, under Sections 452,323,324, 148, 149 of IPC, P.S. Sadar Banga. However, the cancellation report was presented in this case and the same was accepted.

e) that as per the statement of the IO/ASI Ravinder Kumar, accused Manvir Singh has not been declared as proclaimed person in any other case.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioner as well as respondent No.2 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions from the police official concerned, also submitted that they have no objection in case the aforesaid DDR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) Learned Counsel for respondent No.2 also raises no objection.

(8) Hon’ble the Supreme Court in ‘**Gian Singh Versus 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.”

(9) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect any public peace or tranquility. Thus, quashing of the DDR 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 (CRM-M-52870-2022) is allowed; aforesaid DDR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

Also noteworthy that costs of Rs.2.5 Lakh, imposed vide order dated 05.12.2023, have already been deposited by the petitioner.

(11) Since DDR itself has been quashed; therefore, the proclamation order dated 19.12.2006 (P-1) would be rendered inconsequential and as such, the same is also quashed and set aside.

Consequently, petition (CRM-M-52715-2022) is disposed off accordingly.

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

22nd March, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

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