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

CRM-M No.55448 of 2024

Date of Decision: 08.11.2024

Ramandeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Fatehjeet Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed praying for the quashing of FIR No.17, dated 06.02.2024, under Sections 379-B(2), 452, 34 of IPC (Sections 411, 201 IPC added later on), registered at Police Station Goraya, District Jalandhar (Rural) (Annexure P-1) along with all consequent & subsequent proceedings arising therefrom on the basis of compromise qua the petitioner.

2. Succinctly the facts of the case are that the complainant/respondent No.2, namely, Parveen Kaur lodged the impugned FIR with the police on the basis of the allegations that on 04.02.2024 at around 02.00 P.M., when she was present at her house along with her daughter, namely, Harman and son, namely, Jashanpreet



Singh, then Harsimran Panwar, who used to come to her house many times, came to their house. When she was talking to him, 02 unknown persons came there, whose age was about 26/27 years. One of the young man was in police uniform. They started threatening the complainant/respondent No.2. All of them got together and the young man in police uniform picked up a vegetable cutting knife from the kitchen and threatened her. All of sudden Harsimran Parmar @ Bunny snatched a gold chain with a locket weighing about 2 tolas from her neck and ran away. Her son Jashanpreet Singh and daughter Harman tried to chase them but they could not be caught as a white car was parked in the street and their companion was already sitting in the same. The request was made to take the legal action against the culprits. During the investigation, the identity of the petitioner was established from the CCTV footage and thus, he was arrayed as an accused. Hence the petitioner has approached this Court praying for quashing of the FIR qua the petitioner on the basis of compromise arrived at between the petitioner and complainant/respondent No.2.

3. Learned counsel for the petitioner has submitted that the petitioner was involved in the case on some misunderstanding and now the matter has been resolved amicably among the parties. He has submitted that as the matter stands resolved, the prosecution of the petitioner would be nothing but an abuse of the process of the Court and thus the FIR be quashed on the basis of compromise arrived at between the parties.



4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondent No.1-State.

6. At this stage, Mr. Gursharan Singh, Advocate has filed his memorandum of appearance on behalf of respondent No.2 and has supported the contentions raised by learned counsel for the petitioner.

7. Learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He has submitted that identity of the petitioner has been established from the CCTV footage. He has submitted that the petitioner along with co-accused has committed serious offence and thus in the facts and circumstances, the same cannot be compounded on the basis of compromise. He has thus submitted that the petition being devoid of any merit deserves to be dismissed.

8. Heard.

9. On hearing learned counsel for the parties and perusing the record, it is deciphered from the allegations that the accused had committed the offence when the complainant was at her home. They entered the house of complainant when one of the accused was in police uniform. As per the allegations, when the complainant and her children were alone at their house. One of the accused, namely, Harsimran Parmar @ Bunny came there and started talking with her and at that time, two other persons out of which one was in police uniform came there and they all started threatening her and one of the accused snatched her gold chain and ran away. The allegations against the accused persons are



serious in nature as they kept confined the complainant and her children in their own house and put them under trauma. One can imagine the mental stage of the person, who has been confined like the complainant and put under threat of causing loss to his/her limb and life. The offence committed by the accused cannot be said to be a non serious and in case they are allowed to escort free without undergoing the trial of the case, they would commit such like offences in future also.

10. Under these circumstances, the Court is of the opinion that the petitioner and the other accused should be tried for the offence which they have been chosed. Moreover the compromise alleged to have been effected is a partial one as the same is stated to have been effected with the petitioner only and there is not even a single averment with regard to the other accused.

11. Hon'ble Supreme Court in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335** has held that the High Court has inherent power under Section 482 Cr.P.C. for quashing the FIR, however, the same should not be exercised for the offence falling under the heinous categories. It has been further observed in **Bhajan Lal's (supra)** as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of



illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

(1) “Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.



(6)Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

12. Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, (2012) 10 SCC 303**, has further 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 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. Keeping in view the above said facts, the Court finds that the quashing of FIR as mentioned in para No.1 of the order cannot be allowed on the basis of compromise and as such the present petition is dismissed. However the petitioner would be at liberty to pursue his grievances before the trial Court as in accordance with law.

08.11.2024
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(RAJESH BHARDWAJ)
JUDGE

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