

CRR-77-2024

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SANJAY KUMAR

V/S

STATE OF UT CHANDIGARH

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Present: Mr. Davinder Lubana, Advocate for the petitioner.

Mr. Deepinder Brar, Addl. P.P.for U.T.Chandigarh.

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On request of learned counsel for the petitioner, adjourned to

06.02.2024.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-64223-2023 (O&M)
Date of Decision : 18.01.2024

Sourav Mahajan

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Shub Karman, Advocate for respondent.

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SUDEEPTI SHARMA, J. (Oral)

1. The present petition has been preferred under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No.31, dated 29.04.2022, registered under Sections 498-A, 506, 511, 34 of the Indian Penal Code, 1860, at Police Station Kalanaur, District Gurdaspur and all the consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the petitioner is *devar* of the complainant and he has been falsely implicated in the present FIR. In support of his contention, he has placed reliance upon the following judgments:-

i) Mahmood Ali & Ors. Vs. State of U.P.& Others [2023 AIR
(Supreme Court) 3709];

ii) Kahkashan Kausar & Ors. Vs. State of Bihar & Ors.
[2022(1) R.C.R. (Criminal) 855];

iii) Preeti Gupta & Another Vs. State of Jharkahand & Another
[2010(7) SCC 667];

iv) Neetu Chopra & Anr. Vs. Bharti [2010(1) R.C.R (Criminal)
115];

v) Joseph Salvaraj Vs. State of Gujarat and others 2011(7)
SCC 59];

vi) Anand Kumar Mohatt and Anr. Vs. State (Govt. of NCT of
Delhi), Department of Home and Anr. [2019(5) R.C.R
(Criminal) 168].

3. Learned State counsel on instructions from ASI Kulwant Singh, submits that the challan has been presented on 17.03.2023 and now the matter has been fixed before the Trial Court for framing of charges on 31.01.2024.

4. I have heard learned counsel for the petitioner and gone through the judgments relied upon by the petitioner. The observations are as under:-

i) In Mahmood Ali & Ors. (supra), the FIR in question was lodged after a period of 04 years.

ii) In Kahkashan Kausar & Ors. (supra), the FIR was quashed on the ground that there was no specific role attributed to the accused persons.

iii) Preeti Gupta & Another (supra), is a case where family member, against whom allegations were made, living in Gujarat and Maharashtra and they never lived with the complainant.

iv) In Neetu Chopra & Anr. (supra), there was no specific allegations against the in-laws.

v) In Joseph Salvaraj (supra), this is a case where the question involved is that whether the FIR can be quashed after charge-sheet was filed.

vi) In Anand Kumar Mohatt and Anr. (supra) this is case under Sections 405 and 406 IPC and it was held that the dispute was of civil nature and it does not construe criminal breach of trust.

5. Since the facts of the present case are distinguishable, therefore the present judgments would not be applicable in case of the petitioner.

6. Last para of the FIR is reproduced as under:-

“ My parents telephoned my father-in-law and mother-in-law several times to say that I should be taken to their house but none from my in- laws' came. It is stated that my above in-laws family, father-in-law, mother-in-law, nanad, nandoi, devar and my husband tried to kill me by putting acid on me but I saved my life by bolting the door of the room. My father-in-law, nandoi and devar used to do obscene acts with me.

It is stated that I and my parents are very disturbed. Kindly take strict legal action against my mother-in-law, father-in-law, nanad, nandoi and devar and a case against them may be registered regarding demand of car and gold ornaments in dowry and for giving me a beating and justice may be done to me.”

7. In view of the above, since there are specific allegations against the petitioner and charges are to be framed on 31.01.2024, therefore, I do not find any merit in the present petition and the same is hereby dismissed.

8. Pending applications, if any, also stand disposed off.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No

CRM-M-64886-2023

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IRSHAD ALI

V/S

UNION TERRITORY OF CHANDIGARH AND ANOTHER

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Present: Mr. Shivam Sharma, Advocate for the petitioner.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.24 dated 21.11.2015 under Sections 498-A of the Indian Penal Code, 1860 registered at Women Police Station, Chandigarh and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 26.04.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise deed dated 26.04.2023 has been appended with the present petition as Annexure P-2. Learned counsel for the petitioner has relied upon the judgment by the Hon'ble Supreme Court rendered in "Madan Mohan Abbot Vs. State of Punjab [2008(4) SCC 582].

Notice of motion.

On the asking of the Court, Mr. Tarun Vir Singh Lehal, Addl. P.P.U.T.Chandigarh waives service on behalf of respondent No.1-State. Mr. Pranshul Dhull, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on **25.04.2024**.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaqa Magistrate/Trial Court on **12.03.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaqa Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 26.04.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.
- 2) Whether any other criminal cases are pending against the parties.
- 3) Whether any proclamation proceedings are pending against either of the parties

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

CRM-M-2188-2024 (O&M)

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PANKAJ

V/S

STATE OF HARYANA AND ANOTHER

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Present: Mr. Shivani Jaglan, Advocate for the petitioner.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.461 dated 01.08.2020 under Sections 323, 498-A, 506 of the Indian Penal Code, 1860 registered at Police Station Samalkha, District Panipat and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 26.12.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise deed dated 26.12.2023 has been appended with the present petition as Annexure P-2. Learned counsel for the petitioners has relied upon the judgment by the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana waives service on behalf of respondent No.1-State.Mr. Harmilanjot, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on **25.04.2024**.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaqa Magistrate/Trial Court on **12.03.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaqa Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 26.12.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.
- 2) Whether any other criminal cases are pending against the parties.
- 3) Whether any proclamation proceedings are pending against either of the parties

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

CRM-M-2323-2024

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**GAUTAM SEKHRI AND OTHERS
V/S
STATE OF PUNJAB AND ANOTHER**

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Present: Mr. Hardik Ahluwalia, Advocate for the petitioners.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.104 dated 16.06.2020 under Sections 498-A, 420, 494, 342 and 506 of the Indian Penal Code, 1860 registered at Police Station Fatehgarh Sahib and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 18.12.2023 (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise deed dated 18.12.2023 has been appended with the present petition as Annexure P-2. Learned counsel further contends that petitioner and respondent No.2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 wherein first motion statements have been recorded and now the case is pending for recording of second motion statements. Learned counsel for the petitioners has relied upon the judgment by the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Kanica Sachdev, AAG Punjab waives service on behalf of respondent No.1-State. Mr. Anish Verma,

Advocate, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on **25.04.2024**.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **12.03.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 18.12.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.
- 2) Whether any other criminal cases are pending against the parties.
- 3) Whether any proclamation proceedings are pending against either of the parties

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

CRM-M-2353-2024

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RAJ KUMAR**V/S****STATE OF PUNJAB AND ANOTHER**

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Present: Mr. Manoj Kumar, Advocate for the petitioner.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.50 dated 19.05.2022 under Sections 354-D, 506 of the Indian Penal Code, 1860 registered at Police Station City Nakodar, District Jalandhar (Rural) and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed dated 04.01.2024 (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise deed dated 04.01.2024 has been appended with the present petition as Annexure P-2.

Notice of motion.

On the asking of the Court, Mr. Kanica Sachdev, AAG Punjab waives service on behalf of respondent No.1-State. Mr. Lakhveer Singh Bhullar, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on **25.04.2024**.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **12.03.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise dated 04.01.2024 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.
- 2) Whether any other criminal cases are pending against the parties.
- 3) Whether any proclamation proceedings are pending against either of the parties.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

CRM-M-2500-2024

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SUMIT KUMAR

V/S

STATE OF HARYANA AND ANOTHER

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Present: Mr. Manoj Kumar, Advocate for the petitioner.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0007 dated 08.01.2021 under Sections 323, 376, 406, 498-A, 506, 511 r/w section 34 of the Indian Penal Code, 1860 and Sections 25, 54 of the Arms Act, 1959 registered at Police Station Taraori, District Karnal and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter vide compromise deed (Annexure P-2).

Learned counsel for the petitioner would contend that the parties have since compromised the matter and the compromise deed has been appended with the present petition as Annexure P-2. Learned counsel further contends that petitioner No.1 and respondent No.2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 wherein first motion statements have been recorded and now the case is pending for recording of second motion statements. Learned counsel for the petitioners has relied upon the judgment by the Larger Bench's judgment of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana waives service on behalf of respondent No.1-State. Mr. Wazir

Singh, Advocate accepts notice for respondent No.2. Copy of the petition has already been supplied to both the counsel.

Learned counsel appearing for respondent No.2 has stated that the parties have voluntarily entered into a compromise and that the compromise is annexed as Annexure P-2 with the petition. He further states that respondent No.2 has no objection if the aforesaid FIR is quashed.

List on **25.04.2024**.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **12.03.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing :

- 1) Whether the settlement/compromise (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.
- 2) Whether any other criminal cases are pending against the parties.
- 3) Whether any proclamation proceedings are pending against either of the parties.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

CRM-M-2500-2024

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SUMIT KUMAR**V/S****STATE OF HARYANA AND ANOTHER**

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Present: Mr. Ranjeet K. Jaswal, Advocate for the petitioner.

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The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.131 dated 07.12.2023 under Sections 379-B, 323, 341, 354, 148, 149, 506 of the Indian Penal Code, 1860 registered at Police Station Shimlapuri District Police Commissionerate Ludhiana and all other consequential proceedings arising there-from on the ground that the parties have since compromised the matter.

Notice of motion.

On the asking of the Court, Ms. Kanica Sachdeva, AAG Punjab waives service on behalf of respondent No.1-State. Ms. Bhavya Vats, Advocate accepts notice for respondent No.2 to 4. Copy of the petition has already been supplied to both the counsel.

Since, learned counsel for the petitioner has appended only an affidavit of respondent No.2 with the instant petition, therefore, he is directed to place on record a copy of compromise deed on **05.02.2024**.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2321-2022 (O&M)
Date of Decision : 18.01.2024

Sombir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Pallavi Babbar, Advocate for the appellant.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana.

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SUDEEPTI SHARMA, J. (Oral)

CRM-50442-2023

1. This is an application for impleading Reena Devi as respondent No.2.
2. For the reasons mentioned in the application, the application is allowed. Reena Devi W/o Gangandeep Singh, R/o Ward No.20, Sunder Nagar, near old Tehsil Tohana, District – Fatehabad, Haryana is impleaded as respondent No.2. Amended memo of party is taken on record.

CRA-S-2321-2022

1. The present appeal has been preferred by the appellant against the order dated 04.11.2022 wherein the application of the appellant for grant of anticipatory bail to him was rejected by the learned Special Court, Kaithal, in case FIR No.384, dated 02.10.2022, under Sections 376(2)(n), 506, 34 IPC and during investigation Section 3(2)(va), 3(2)(v), 3(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Kalayat, District Kaithal.

2. Learned counsel would contend that in compliance of order dated 15.11.2022 the appellant has since joined investigation and has fully cooperated.

3. Learned counsel for the State, on instructions from DSP Lalit Kumar, states that the appellant has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

4. In view of the above, the order dated 15.11.2022 is made absolute. The appellant shall, however, join investigation as and when called for. The appellant shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49996-2021 (O&M)
Date of Decision : 18.01.2024

Vishu Kumar VijPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vishal Aggarwal, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG Haryana.

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SUDEEPTI SHARMA, J. (Oral)

1. Learned State counsel on instructions from ASI Naresh states that the petitioner has been acquitted by the trial Court on 10.01.2024 and that the present petition has been rendered infructuous.
2. In view of the statement made by the learned State counsel, the present petition is disposed of as having been rendered infructuous. Pending applications, if any, also stand disposed of.

January 18, 2024
tripti (SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No

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CRM-M-46672-2023 (O&M)

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**RAMANDEEP SINGH AUJLA AND ANR V/S STATE OF PUNJAB
AND OTHERS**

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Present: Mr. J.S.Mundi, Advocate for the petitioners.

Ms. Kanica Sachdeva, AAG Punjab.

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CRM-43026-2023

This is an application for preponing the date of hearing in the main case.

The present application is disposed of as having been rendered infructuous as the main case is listed for hearing today itself.

CRM-42982-2023

Allowed as prayed for subject to all just exceptions. Photocopies of Passports of petitioner No.1 and petitioner No.2 are taken on record as Annexures P-14 and P-15, respectively.

CRM-M-46672-2023

The petitioner has impugned order dated 26.08.2021 passed by the learned trial Court whereby the petitioners have been declared as proclaimed offenders in FIR No.15, dated 03.07.2019, registered under Sections 406, 498-A, IPC at Police Station PS NRI, District SBS Nagar.

Learned counsel for the petitioner contends that while passing the impugned order, procedure as mentioned in Section 82 of Cr.P.C has been totally ignored.

Notice of motion for **07.03.2024**.

Till the next date of hearing, operation of the impugned order dated 26.08.2021 shall remain stayed.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53446-2023 (O&M)
Date of Decision : 18.01.2024

Sajan Singh Sheen and Anr.Petitioners

VERSUS

State of Punjab and AnotherRespondents

CORAM : HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. C.L.Verma, Advocate for the petitioners.

Ms. Kanica Sahdeva, AAG Punjab

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SUDEEPTI SHARMA, J. (Oral)

1. Learned counsel for the petitioners seeks permission to withdraw the present petition inasmuch as the parties to *lis* have compromised the matter.
2. Permitted to do so.
3. Dismissed as withdrawn. Pending applications, if any, also stand disposed of.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23946-2023 (O&M)

Date of Decision : 18.01.2024

Opneet Singh Dhani

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

Mr. Vishal Munjal, Advocate for respondent No.2.

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SUDEEPTI SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0095 dated 06.05.2022 registered under Sections 498-A of the Indian Penal Code, 1860 at Police Station Tanda, District Hoshiarpur and all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 17.04.2023 (Annexure P-2).

2. Pursuant to the order dated 11.05.2023, a report dated 01.08.2023 of the Judicial Magistrate 1st Class, Dasuya, District Hoshiarpur has been received by this Court wherein it has been stated that the statements of the parties have been recorded and the parties have stated that they have compromised the matter voluntarily without any threat, pressure, undue influence or fraud and that the complainant/respondent No.2 has no objection to the quashing of the present FIR. Statements of the parties have also been appended with the report.

3. The Apex Court in the case of **Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303]** has held as under :

“57. 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 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, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 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 affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

4. Learned counsel for the petitioner has also referred to the law laid down by this Court in **Kulwinder Singh & Ors. vs. State of Punjab & Anr. [2007 (3) RCR (Criminal) 1052]** wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

5. In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue with the criminal proceedings.

6. Resultantly, FIR No.0095 dated 06.05.2022 registered under Sections 498-A of the Indian Penal Code, 1860 at Police Station Tanda, District Hoshiarpur, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 17.04.2023 (Annexure P-2), is quashed.
7. The petition is accordingly allowed. Pending applications, if any, also stand disposed off.

January 18, 2024
tripti

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62752-2023 (O&M)

Date of Decision : 18.01.2024

Rishu Kashyap

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sanjay Jain, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

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SUDEEPTI SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.138 dated 02.12.2022 registered under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Women Police Station District Police Commissionerate Ludhiana and all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 08.05.2023 (Annexure P-2).
2. Pursuant to the order dated 14.12.2023, a report dated 08.01.2024 of the Judicial Magistrate 1st Class, Ludhiana has been received by this Court wherein it has been stated that the statements of the parties have been recorded and the parties have stated that they have compromised the matter voluntarily without any threat, pressure, undue influence or fraud and that the complainant/respondent No.2 has no objection to the quashing of the present FIR. Statements of the parties have also been appended with the report.

3. The Apex Court in the case of **Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303]** has held as under :

“57. 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 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, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 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 affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

4. Learned counsel for the petitioner has also referred to the law laid down by this Court in **Kulwinder Singh & Ors. vs. State of Punjab & Anr. [2007 (3) RCR (Criminal) 1052]** wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

5. In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue with the criminal proceedings.

6. Resultantly, FIR No.138 dated 02.12.2022 registered under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Women Police Station District Police Commissionerate Ludhiana, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 08.05.2023 (Annexure P-2), is quashed.
7. The petition is accordingly allowed. Pending applications, if any, also stand disposed off.

January 18, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No