



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

295

1)

CRM-M-42117-2020
Decided on : 21.01.2025

Gurcharan Kaur and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

2)

CRM-M-42132-2020

Gurbhej Singh and others

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ankush Rampal, Advocate for
Mr. Karanveer Singh Sandhu, Advocate
for the petitioners (in CRM-M-42117-2020)
for respondent No.2 (in CRM-M-42132-2020).

Mr. Jasdeep Singh, DAG, Punjab.

Mr. J.P. Devgan, Advocate (**through V.C.**)
for the petitioners (in CRM-M-42132-2020)
for respondents No.2 & 3 (in CRM-M-42117-2020).

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-42117-2020 and CRM-M-42132-2020, as the same have emanated out of the same occurrence and prayer made therein is for quashing of criminal proceedings on the basis of compromise dated 24.08.2020, entered into between the affected parties.

2. It is a case of version and cross-version. Petitioners in CRM-M-42117-2020 are seeking quashing of GD No.28, dated 02.10.2019 (Annexure P-2) under Sections 326, 324, 323, 506, 148, 149 of IPC, registered at Police Station Harike, District Tarn Taran, as a cross-version case in FIR No.67,

dated 29.09.2019, under Sections 326, 325, 323, 324, 148, 149 of IPC (Annexure P-1), registered at Police Station Harike, District Tarn Taran, and all subsequent proceedings arising therefrom, whereas petitioners in CRM-M-42132-2020 are seeking quashing of FIR No.67, dated 29.09.2019, under Sections 326, 325, 323, 324, 148, 149 of IPC, registered at Police Station Harike, District Tarn Taran, and all subsequent proceedings arising therefrom, on the basis of compromise dated 24.08.2020, arrived at between the parties.

3. When both the petitions came up for consideration before the coordinate Bench of this Court, vide order(s) dated 16.12.2020, passed in respective petitions, the affected parties were directed to appear before the learned trial Court/Illaq Magistrate, for getting their respective statements recorded with regard to the compromise. The trial Court/Illaq Magistrate was to submit a report in this regard giving certain details as enumerated in the said order.

4. In compliance thereof, the affected parties did appear before learned Judicial Magistrate 1st Class, Patti, and got recorded their respective statements with regard to the compromise. Learned Court below sent its report dated 09.02.2021 in both the cases, alongwith statements of affected parties. Operative part of the said reports is as under:-

“Report in CRM-M-42117-2020

From the statement of both the parties it comes to my knowledge that parties have compromised the matter without any pressure or coercion in any manner because they want to live peacefully. Moreover, the respondents & petitioners stated that they know good/bad of themselves and stated that they have entered into compromise so as to bring home, peace and harmony. Therefore, the compromise made by the parties seems to be genuine and without any influence. My point wise report is as follow :-

(i) *As per statement of Investigating Officer, in the*

present case total eight persons arrayed as accused and there is no other person arrayed as accused/petitioner in this petition.

- (ii) Kamaljit Kaur wife of Pargat Singh daughter of Harbans Singh resident of village Naushehra Pannuan is complainant & Harbans Singh son of Tara Singh resident of village Alipur is affected/aggrieved in the present FIR. No other respondent arrayed in this petition.*
- (iii) No accused has been declared proclaimed offender in the present DDR.*

The identity of the parties were checked and returned and photocopies of same are taken on record for perusal of the Hon'ble High Court, Chandigarh.

Report in CRM-M-42132-2020

From the statement of both the parties it comes to my knowledge that parties have compromised the matter without any pressure or coercion in any manner because they want to live peacefully. Moreover, the respondents & petitioners stated that they know good/bad of themselves and stated that they have entered into compromise so as to bring home, peace and harmony. Therefore, the compromise made by the parties seems to be genuine and without any influence. My point wise report is as follow :-

- (i) As per statement of Investigating Officer, in the present case total eight persons arrayed as accused and there is no other person arrayed as accused/petitioner in this petition.*
- (ii) jaswinder Singh son of Mukhtiar Singh (now died) is complainant or affected/aggrieved party.*
- (iii) No accused has been declared proclaimed offender in the present FIR.*

The identity of the parties were checked and returned and photocopies of same are taken on record for perusal of the Hon'ble High Court, Chandigarh."

5. Learned counsel for the private parties state that incident in the present case occurred on the spur of moment, over a trivial issue, and on the basis of version and cross version criminal proceedings were initiated against both the sides, who are neighbours and residents of same village. Due to intervention of the respectable and elderly people of the society, the matter has been resolved and private parties have effected a compromise dated 24.08.2020. At present, there remains no dispute amongst the private parties.

Learned counsel further submits that in view of the compromise so effected

between the private parties, pendency of the FIR No.67, dated 29.09.2019, and cross case bearing GD No. 28, dated 02.10.2019, and consequential proceedings emanating therefrom would be sheer abuse of the process of law.

6. Learned counsel for the State after going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if criminal proceedings are quashed on the basis of the compromise.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. The Full Bench of this Court in the matter of Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052, has observed as under:-

“(28) To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice”.

(29) In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and others, Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:

“The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.”

(30) The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

(31) No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

(32) *The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

(33) *The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*

(34) *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined parameters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extraordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery."*

9. The said legal principles were also approved by Hon'ble the Supreme Court in the matter of Gian Singh v. State of Punjab and another, (2012) 10 SCC 303. Furthermore, broad principles for exercising the powers under Section 482 were summarized by Hon'ble the Supreme Court in the matter of Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v.

State of Gujarat and another, (2017) 9 SCC 641.

10. Hon'ble the Supreme Court has held in Ramgopal and another v. State of Madhya Pradesh, 2021 SCC Online SC 834, that matters which can be categorized as personal in nature or where nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of FIR would override the public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties. The observation of Hon'ble the Supreme Court is extracted as under:-

“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

11. After hearing learned counsel for the parties and going through the material available on record, this Court finds that there appears to be substance in the submission of learned counsel that pendency of the present criminal litigation would be abuse of process of law since chances of conviction of accused persons are bleak in view of the compromise so effected between the private parties.

12. The report alongwith statements of the affected parties received

from learned Court below would reveal that the aggrieved persons have genuinely effected a compromise and they have no objection if the impugned criminal proceedings are quashed.

13. Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)**, **Ramgopal (supra)** and **Kulwinder Singh (supra)**, these petitions are allowed. Consequently, GD No.28, dated 02.10.201, under Sections 326, 324, 323, 506, 148, 149 of IPC, registered at Police Station Harike, District Tarn Taran, as a cross-version case in FIR No.67, dated 29.09.2019, under Sections 326, 325, 323, 324, 148, 149 of IPC, registered at Police Station Harike, District Tarn Taran, as well as FIR No.67, dated 29.09.2019, under Sections 326, 325, 323, 324, 148, 149 of IPC, registered at Police Station Harike, District Tarn Taran, and all subsequent proceedings arising therefrom, are hereby quashed, in view of compromise dated 24.08.2020.

14. These petitions stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

January 21, 2025
J.Ram

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