
(2013) 08 P&H CK 0900
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-24940 of 2013

Gurmeet Singh and Others	Vs	APPELLANT
State of Punjab and Others		RESPONDENT

Date of Decision : 27-08-2013

Acts Referred:

Arms Act, 1959 — Section 25, 27
Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 323, 324, 336, 34, 505

Citation : (2013) 08 P&H CK 0900

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Jitender Singh Dadwal, for the Appellant; Jaspreet Singh, Assistant Advocate General, Punjab for Respondent No. 1-State and Mr. Anterpreet Singh, Advocate for Respondent Nos. 2 to 5, for the Respondent

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—The contour of the facts and material, culminating in the commencement, relevant for disposal of the instant petition and emanating from the record is that, initially in the wake of complaint of complainant-Balwinder Kaur wife of Karamjit Singh, respondent No. 2 (for brevity "the complainant"), a criminal case was registered against the petitioners-accused Gurmeet Singh son of Sukhdev Singh and others, vide FIR No. 83 dated 03.05.2013 (Annexure P-1), on accusation of having committed the offences punishable under Sections 323, 336, 505, 506, 34 IPC and Sections 25 & 27 of the Arms Act (the offence punishable u/s 324 IPC was added and Section 27 of the Arms Act was deleted later on), by the police of Police Station Samrala, District Ludhiana, in the manner depicted here-in-above. During the course of investigation of the criminal case, good sense prevailed and the parties have amicably settled their disputes, by way of compromise dated 20.05.2013 (Annexure P-2).

2. Having compromised the matter, now the petitioners-accused have preferred the present petition, to quash the impugned FIR (Annexure P-1) and all other subsequent proceedings arising therefrom, invoking the provisions of Section 482 Cr.P.C., inter alia, pleading that now with the intervention of friends, elders and respectables, they have amicably settled all their disputes and entered into a compromise (Annexure P-2). The petitioners as well as the respondents are closely related to each other. The settlement is stated to be in the benefit and larger interest of the parties. The complainant and other injured respondents do not want to further pursue the matter. They have no objection, if the criminal case registered against the petitioners-accused, by means of impugned FIR (Annexure P-1) is quashed. On the strength of aforesaid grounds, the petitioners-accused sought to quash the impugned FIR (Annexure P-1) and all other subsequent proceedings arising therefrom, in the manner described hereinabove.

3. During the course of preliminary hearing, the Magistrate, having the jurisdiction, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise (Annexure P-2) between them by this Court, vide order dated August 01, 2013.

4. In compliance thereof, having recorded the statements of all the concerned parties, the Magistrate has concluded vide her report dated 24.08.2013 that they have amicably settled their disputes. The compromise (Annexure P-2) is genuine, valid and without any kind of pressure or coercion.

5. Meaning thereby, it stands proved on record that the parties have amicably settled their disputes, by virtue of compromise dated 20.05.2013 (Annexure P-2). The factum of compromise is also reiterated in the report of the Magistrate.

6. What cannot possibly be disputed here is that, the law with regard to the settlement of criminal disputes by virtue of amicable settlement between the parties is no more res integra and is now well-settled.

7. An identical question (recently) came to be decided by the Hon'ble Apex Court in case *Gian Singh Vs. State of Punjab and Another*, . Having interpreted the relevant provisions and considered a line of the judgments on the indicated points, it was ruled (para 57) 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 u/s 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-dominantly 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 personnel 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.

8. Above being the legal position and the material on record, now the short and significant question, though important, that arises for determination in this petition is, as to whether the present criminal prosecution against the petitioners deserves to be quashed in view of the compromise or not?

9. Having regard to the contentions of the learned counsel, to my mind, it would be in the interest and justice would be sub-served, if the parties are allowed to compromise the matter. Moreover, the learned counsel are ad idem that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

10. As is evident from the record that, in the instant case, the parties have amicably settled their disputes with the intervention of friends, elders and respectables, by way of compromise dated 20.05.2013 (Annexure P-2), without any kind of pressure. The petitioners as well as the respondents are closely related to each other. Now they have no grudge against each other. The complainant and other injured respondents do not want to further pursue the matter. They have no objection, if the criminal case registered against the petitioners-accused, vide impugned FIR (Annexure P-1) is quashed. The factum

and genuineness of the compromise between the parties is also reiterated by the Magistrate in her indicated report.

11. Thus, it would be seen that since, the compromise is in the welfare and interest of the parties, so, there is no impediment in translating their wishes into reality and to quash the criminal prosecution to set the matter at rest, to enable them to live in peace and to enjoy the life and liberty in a dignified manner. Therefore, to me, the ratio of the law laid down and the bench-mark set out by the Hon''ble Supreme Court in Gian Singh's case (supra), "mutatis mutandis" is applicable to the facts of the present case and is the complete answer to the problem in hand. Sequelly, the impugned FIR (Annexure P-1) and all other subsequent proceedings arising therefrom, deserve to be quashed in the obtaining circumstances of the case. In the light of aforesaid reasons, the instant petition is accepted. Consequently, the impugned FIR No. 83 dated 03.05.2013 (Annexure P-1) and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioners-accused are accordingly discharged, from the indicated criminal case, on the basis of compromise.