

(2024) 05 P&H CK 3145
In the Punjab And Haryana At Chandigarh
Case No : CRM-M Of 7530 Of 2024

Kamaldeep Singh @ Kamal Singh and others	APPELLANT
Vs	
State of Punjab and others	RESPONDENT

Date of Decision : 30-05-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 148, 149, 323, 324, 325, 326, 458

Citation : (2024) 05 P&H CK 3145

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : G.S. Nahel, Avneet, Sahilpreet Singh, R.S. Gill

Final Decision : Disposed Of

Judgement

Mahabir Singh Sindhu, J

1. Present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.63 dated 13.11.2023 registered under Sections 458, 323, 324, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') (Sections 325, 326 of IPC added later on), at Police Station Cheema, District Sangrur alongwith all consequent proceedings arising therefrom on basis of compromise dated 02.02.2024 (P-2) arrived at between the parties i.e. petitioners and respondent Nos. 2 to 4.

2. Allegations are that petitioners had an argument with respondent Nos. 2 to 4 over firing firecrackers in the street and after which petitioners gave beatings and kirpan blow and fist blow to respondent Nos. 2 to 4 and thus, inflicted injuries to them.

3. A Co-ordinate Bench while issuing notice of motion on 13.02.2024, passed the following order:-

" The petitioners have approached this Court seeking quashing of FIR (Annexure

P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 23.05.2024.

At this stage, Mr. Randeep Singh Gill, Advocate, has put up in appearance on behalf of respondent Nos. 2 to 4 and has filed memo of appearance. Power of attorney be filed on or before the next date of hearing.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:-

(i) whether there is any other accused other than the petitioner, arrayed in this petition.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(iii) Whether any accused has been declared Proclaimed Offender?

(iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?

The report be submitted before this Court on or before the next date."

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 08.04.2024 has been submitted in this regard by learned Judicial Magistrate First Class, Sunam. The operative part of the same reads as under:-

" (1) There is no other accused other than the petitioner arrayed in the petition.

(2) There is no other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

(3) As per the record and the statement of investigating officer, no accused has been declared proclaimed offender.

(4) As per the statement of the parties, the compromise in question is found to be a valid compromise and same is genuine, voluntary and without any influence or coercion."

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no

objection by either of the parties against the compromise.

6. Learned counsel for the petitioners contends that matter has been amicably settled between the parties with their free consent.

7. Learned State Counsel, after obtaining instructions has raised no objection to the prayer made by petitioners and acknowledged the factum of compromise.

8. Learned counsel for respondent Nos. 2 to 4 has acknowledged the factum of compromise effected between the parties i.e. petitioners and respondent Nos. 2 to 4.

9. Hon'ble the Supreme Court in *Gian Singh v. 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 predominately 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.”

10. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

11. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners shall bear the costs of Rs.20,000/- (Rs.Five Thousand each). Costs be deposited with Punjab and Haryana High Court Employees Welfare Association, Account No. 37167209613, IFSC Code: SBIN0050306, State Bank of India, High Court Branch, Chandigarh.

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