

(2022) 02 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 30117 Of 2021 (O& M)

K.P. Singh And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 406, 420, 506

Immigration Act, Of 1924 — Section 24

Code Of Criminal Procedure, 1973 — Section 320, 482

Citation : (2022) 02 P&H CK 0046

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : S.S. Dinarpur, Deepak Grewal, R.K. Saini

Final Decision : Allowed

Judgement

Arvind Singh Sangwan, J

CRM-4596-2022

For the reasons stated in the application, same is allowed and date of hearing is preponed from 27.09.2022 to today.

CRM stands disposed of.

CRM-39190-2021

For the reasons stated in the application, same is allowed and affidavits of respondents No.2 & 3 are taken on record.

The petitioners have prayed for quashing of FIR No.856 dated 08.11.2020 for the offences punishable under Sections 420, 406, 506 of the Indian

Penal Code ('IPC' for short) and Section 24 of Immigration Act, registered at Police Station Sadar Karnal, District Karnal and all the subsequent

proceedings arising therefrom, on the basis of compromise effected between the

parties.

Learned counsel for the petitioners has relied upon statement of respondent No.2-complainant Jasbir Singh dated 24.06.2021 recorded by the Court of

Additional Sessions Judge, Karnal, wherein he acknowledged that compromise Mark â??Aâ?? is signed by him as well as his son Ravinder Chauhan

and in pursuance thereof, the anticipatory bail was granted to the petitioners. It is further submitted that now again, complainant Jasbir Singh as well as

his son Ravinder Chauhan have filed the affidavits dated 10.11.2021 vide CRM-39190-2021, acknowledging that there is a compromise between the

parties and they are bound to make statements in favour of the petitioners, if required by this Court regarding quashing of impugned FIR.

Learned State counsel has filed the reply by way of affidavit of Deputy Superintendent of Police, Karnal-II and has not disputed that there is a valid

compromise between the parties and they have arrived at the same with an intent to give burial to their differences.

Learned counsel for respondents No.2 & 3 states at bar that respondent No.2-complainant Jasbir Singh and his son-respondent No.3 Ravinder

Chauhan have no objection, if the impugned FIR is quashed.

I have heard learned counsel for the parties and perused the case file.

As per the Full Bench judgment of this Court in Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052, it is held that the

High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High

Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is

not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543, has held as under:-

â??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 predominatingly 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. Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to

continue.

In view of what has been discussed hereinabove, present petition is allowed and FIR No.856 dated 08.11.2020 under Sections 420, 406, 506 IPC and

Section 24 of Immigration Act, registered at Police Station Sadar Karnal, District Karnal and all the subsequent proceedings arising therefrom are

ordered to be quashed qua the petitioners, however, subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services

Authority, Karnal.