
(2013) 12 P&H CK 0053

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-33820 of 2013 (O and M)

Kulwinderjit Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 20-12-2013

Acts Referred:

Citation : (2013) 12 P&H CK 0053

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : Sukhbir Singh in CRM No. M-33820 of 2013 and Mr. J.S. Ahluwalia in CRM No. M-40999 of 2013, for the Appellant; Sukhbir Singh, Advocate for respondents No. 2 and 3 in CRM No. M-40999 of 2013, Mr. J.S. Ahluwalia, Advocate for respondents No. 2 to 8 in CRM No. M-33820 of 2013 and Mr. J.S. Brar, AAG, Punjab, for the Respondent

Final Decision : Allowed

Judgement

Sabina, J.—Vide this judgment, above mentioned two petitions would be disposed of as the petitioners have sought quashing of FIR No. 27

dated 21.6.2012, u/s 326, 325, 323, 148, 149 of the Indian Penal Code (IPC for short), registered at Police Station Mattewal, District Amritsar

and its cross version registered vide DDR No. 20 dated 24.6.2012 u/s 326, 324, 323, 336, 506, 148, 149 IPC and Section 25 of the Arms Act,

1959 ("Act" for short), registered at Police Station Mattewal, District Amritsar and all the subsequent proceedings arising therefrom on the basis of

compromise effected between the parties. Learned counsel for the petitioners have submitted that it is a case of version and cross version. Both the

sides have suffered injuries in the occurrence and have now amicably settled their dispute.

2. As per the Full Bench judgment of this Court in Kulwinder Singh and Others Vs. State of Punjab and Another, , High Court has power u/s 482

Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required

to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

3. Hon''ble the Apex Court in the case of Gian Singh Vs. State of Punjab and Another, 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 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 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. 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. Accordingly, both the petitions are allowed. FIR No. 27 dated 21.6.2012, u/s 326, 325, 323, 148, 149 IPC, registered at Police Station Mattewal, District Amritsar and its cross version registered vide DDR No. 20 dated 24.6.2012 u/s 326, 324, 323, 336, 506, 148, 149 IPC and Section 25 of the Act, registered at Police Station Mattewal, District Amritsar and all the consequential proceedings, arising therefrom, are quashed.