
(2013) 07 P&H CK 0091

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-16130 of 2013 (O and M)

Navneet Dhir

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 30-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 323, 34, 406, 498A, 506

Citation : (2013) 07 P&H CK 0091

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : Naren Pratap Singh, for the Appellant; Satyavir Singh Yadav, Addl. A.G. Haryana, for the Respondent

Final Decision : Allowed

Judgement

Sabina, J.—By way of this petition filed u/s 482 of the Code of Criminal Procedure, 1973, petitioner has sought quashing of FIR No. 279

dated 9.7.2010 (Annexure P-1) registered at Police Station Gurgaon Sadar District Gurgaon under Sections 498-A, 406, 323, 506, 34 of the

Indian Penal Code, 1860 ("IPC for short), and all the subsequent proceedings arising therefrom in view of the compromise arrived at between the

parties. Vide order dated 15.5.2013, parties were directed to appear before the trial court on 18.5.2013 and the trial Court was directed to

record their statements and submit its report qua the genuineness of the compromise effected between the parties.

2. In pursuance to the said order, the trial Court, after recording the statements of the parties, has reported that the compromise effected between

the parties is genuine and not the result of any pressure or coercion.

3. Respondent No. 2 is present in person and has stated that presently she is residing with the petitioner in the matrimonial home and has no

objection if the FIR in question is ordered to be quashed.

4. As per the Full Bench judgment of this Court in Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Cri) 1052, 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.

5. Hon'ble the Apex Court in the case of Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543, 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.

6. 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, this petition is allowed. FIR No. 279 dated 9.7.2010 (Annexure P-1) registered at Police Station Gurgaon Sadar District Gurgaon under Sections 498-A, 406, 323, 506, 34 IPC and all the subsequent proceedings arising therefrom are quashed.