
(2014) 08 P&H CK 0282
In the Punjab And Haryana At Chandigarh
Case No : Crl. Misc. No. M-21585 of 2014

Sukhneet Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 05-08-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 120B, 420, 465, 467, 468

Citation : (2014) 08 P&H CK 0282

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Kamal Narula, Advocate for the Appellant; Rajat Bansal, Deputy Advocate General, Advocate for the Respondent

Final Decision : Allowed

Judgement

Mehinder Singh Sullar, J.—The crux 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 Manjeet Singh son of Jarnail Singh-respondent No. 2 (for brevity "the complainant"), a criminal case was registered against the petitioner along with his other co-accused, namely, Sukhwinder Singh son of Gura Singh and Gursewak Singh son of Sarwan Singh (since acquitted), vide FIR No. 300 dated 10.11.2008 (Annexure P-1), on accusation of having committed the offences punishable under Sections 420, 465, 467, 468 and 471 read with Section 120B IPC, by the police of Police Station Sadar Ferozepur.

2. After completion of the investigation, the police submitted the final police report (challan) and accused were put to trial. Since, the petitioner did not join the proceedings, so, he was declared proclaimed offender, whereas his other co-accused were acquitted, by virtue of judgment of acquittal dated 25.01.2014 (Annexure P-3), by the Additional Chief Judicial Magistrate, Ferozepur. Now, the petitioner has surrendered in the Court and he was released on bail. He is facing

the trial in the pointed case.

3. During the pendency of the case, good sense prevailed and the parties have amicably settled their disputes, by means of compromise/affidavit of complainant dated 23.03.2014 (Annexure P-2).

4. Having compromised the matter, now the petitioner-accused has 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.PC, inter-alia, pleading that now with the intervention of respectable persons and friends, the parties have amicably settled their disputes. They have redressed their grievances. They belong to the same area, want to live in peace and harmony in future. The complainant has filed his affidavit dated 23.03.2014 (Annexure P-2) in this regard. The compromise is stated to be in the welfare and larger interest of the parties. Indisputedly, Sukhwinder Singh and Gursewak Singh, co-accused of the petitioner, have already been acquitted, by way of judgment of acquittal dated 25.01.2014 (Annexure P-3), by the trial Court. The complainant has no objection, if the criminal case registered against the petitioner-accused, by virtue of impugned FIR (Annexure P-1) is quashed. On the strength of aforesaid grounds, the petitioner-accused sought to quash the impugned FIR (Annexure P-1) and all other subsequent proceedings arising therefrom, in the manner depicted hereinabove.

5. During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise/affidavit (Annexure P-2), by means of order dated 04.07.2014, by this Court.

6. In compliance thereof, the trial Court, having recorded the statements of all the concerned parties, has concluded vide its report dated 02.08.2014 that they have amicably settled their disputes with the intervention of the respectables. The compromise arrived between them is valid, genuine and without any kind of pressure or coercion.

7. Meaning thereby, it stands proved on record that the parties have amicably settled their disputes, by way of compromise/affidavit (Annexure P-2). The factum of compromise is also reiterated in the indicated report of the trial Court.

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

9. An identical question came to be decided by the Hon''ble Supreme 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 pointed 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 questions) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

Sequelly, the same view was again (recently) reiterated by Hon"ble the Apex Court in case Vikrant Arora Vs. Shruti Mehra @ Palak Arora and Another,

10. 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 petitioner deserves to be quashed in view of the compromise or not?

11. 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 instant petition deserves to be accepted in this context.

12. As is evident from the record that, now with the intervention of respectable persons and friends, the parties have amicably settled their disputes. They have redressed their grievances. They belong to the same area, want to live in peace and harmony in future. The complainant has filed his affidavit dated 23.03.2014 (Annexure P-2) in this regard. The compromise is stated to be in the welfare and larger interest of the parties. Moreover, it is not a matter of dispute that, Sukhwinder Singh and Gursewak Singh, co-accused of the petitioner, have already been acquitted, by virtue of judgment of acquittal dated 25.01.2014 (Annexure P-3), by the trial Court. The complainant has no objection, if the criminal case registered against the petitioner-accused, by way of impugned FIR (Annexure P-1) is quashed. The factum of compromise is also reiterated in the pointed report of the trial Court.

13. Therefore, 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. Hence, 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 and Narinder Singh's and others cases (supra), "mutatis mutandis" is attracted to the facts of the present case and is the complete answer to the problem in hand. Likewise, the impugned FIR (Annexure P-1) and all other subsequent proceedings arising therefrom, deserve to be quashed in the obtaining circumstances of the case.

14. In the light of the aforesaid reasons, the instant petition is accepted. Consequently, the impugned FIR No. 300 dated 10.11.2008 (Annexure P-1) and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioner-accused is accordingly discharged, from the indicated criminal case, on the basis of compromise.