
(2014) 09 P&H CK 0135
In the Punjab And Haryana At Chandigarh
Case No : C.R.M. No. M-25809 of 2013

Tilak Raj and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 11-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 304-A, 34

Citation : (2015) 1 RCR(Criminal) 599

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : Vivek K. Thakur, Advocates for the Appellant; K.S. Aulakh, A.A.G,
Advocates for the Respondent

Judgement

Sabina, J.—By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners have sought quashing of F.I.R. No. 265 dated 28.10.2012 (Annexure P-1) registered at Police Station Kapurthala City District Kapurthala under Sections 304-A/34 of the Indian Penal Code, 1860 ("I.P.C." for short), and all the subsequent proceedings arising therefrom in view of the compromise arrived between the parties. Learned counsel for the petitioners has submitted that the petitioners were running a marriage palace and had engaged the deceased, who were working as sweepers, for cleaning of the sewerage lines. Unfortunately, the deceased died while doing the job. The legal heirs of the deceased have been duly compensated. In fact, the death of the deceased was not on account of any negligence committed by the petitioners but was due to the fact that the deceased died while cleaning the sewerage line due to some poisonous gasses.

2. Respondents No. 2 to 6, who are present in person, have admitted the factum of compromise and have stated that they have no objection if the criminal proceedings against the petitioners are quashed. Reply on behalf of respondents No. 2 to 6 is already on record.

3. As per the Full Bench judgment of this Court in Kulwinder Singh and Others Vs. State of Punjab and Another, , 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 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.

4. 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 F.I.R. 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 predominately 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."

5. 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. F.I.R. No. 265 dated 28.10.2012 (Annexure P-1) registered at Police Station Kapurthala City District Kapurthala under Sections 304-A/34 I.P.C. and all the subsequent proceedings arising therefrom are quashed.