

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38295-2020

Date of Decision: 18.08.2022

Baljinder Singh @ Happy

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. M.S. Bal, Advocate for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Mr. Ravinder Singh, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 110 dated 18.07.2020 (Annexure P-1), registered under Sections 306 IPC at Police Station Mehta, District Amritsar (Rural) and all the consequential proceedings arising therefrom, on the basis of compromise dated 22.07.2020 (Annexure P-2).

Pursuant to the order dated 10.02.2021 passed by the Coordinate Bench of this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Baba Bakala Sahib, to get their statements recorded. Learned Judicial Magistrate Ist Class, Baba Bakala Sahib, submitted his report along with copies of statements of the parties vide letter No. 125 dated 08.03.2021 duly forwarded by learned District

and Sessions Judge, Amritsar, vide Endst. No. 2245-R dated 12.03.2021.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No. 2 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to *Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi*

Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255
and *Kulwinder Singh and others Vs. State of Punjab and others*
(Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.

The Full Bench of this Court, in *Kulwinder Singh and others case (supra)*, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of Cr.P.C is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”. Disputes which have their genesis not only in matrimonial discord but others as well, such compromise deserves to be accepted. It is further held as under :-

“ The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C in order to prevent the abuse of law and to secure the ends of justice.”

In the case of *Madan Mohan Abbot vs. State of Punjab 2008 (4) S.C. Cases 582*, the Apex Court emphasised and advised as under:-

“ We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal

nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

This Court in ***Sucha Singh and others Vs. State of Punjab and another, 2011 (7) RCR (Criminal) 2546***, had quashed an FIR, which was registered under Section 306 IPC. In that case, mother of the deceased had given an affidavit stating therein that the deceased had two sons, aged about 10 and 12 years, who were living with their father Sukhwinder Singh and that the matter had been resolved keeping in mind the future of the children of deceased.

Reference at this stage can further be made to judgment of Hon'ble the Supreme Court in a case of ***Gian Singh vs. State of Punjab and anr., 2012 (4) RAJ 549***, wherein also it has been held that proceedings may be quashed having overwhelmingly and pre-dominantly civil flavour such as offence arising from commercial financial, mercantile, civil, partnership or such like transaction or the offences arising out of matrimony relating to dowry etc. of the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute.

According to the report, learned Judicial Magistrate Ist Class, Baba Bakala Sahib, is satisfied that the compromise effected between the petitioner/accused and complainant/respondent No. 2 along with other legal heir voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one.

Considering the report of learned Judicial Magistrate Ist Class, Baba Bakala Sahib dated 08.03.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 110 dated 18.07.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly

August 18, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No