

## Kamaljeet Singh and Another Vs State of Punjab and Another

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Dec. 21, 2013

**Hon'ble Judges:** Inderjit Singh, J

**Bench:** Single Bench

**Advocate:** Munish Puri, for the Appellant; Harsimrat Rai, D.A.G., Punjab for the State and Mr. Dinesh Trehan, Advocate for the Respondent No. 2, for the Respondent

### Judgement

Inderjit Singh, J.

This petition has been filed by petitioners Kamaljeet Singh and Parshan Kaur alias Parsan Kaur u/s 482 Cr.P.C. for

quashing of FIR No. 124 dated 9.11.2011 (Annexure-P.1) registered for the offences under Sections 498-A, 406 and 506 IPC at Police Station

Division No. 2 Pathankot, District Pathankot and all other consequential proceedings arising therefrom, on the basis of compromise dated

27.11.2013 (Annexure-P.2). On 4.12.2013, learned Chief Judicial Magistrate, Pathankot was directed to send a report with regard to the

genuineness/validity or otherwise of the compromise (Annexure-P.2) arrived at between the parties after recording the statements of all the

concerned parties.

2. In compliance of the above, the learned Chief Judicial Magistrate, Pathankot has sent his report vide letter dated 17.12.2013, wherein

statements of complainant Arshdeep Kaur and accused-petitioners Kamaljeet Singh and Parsan Kaur have been recorded. It has been submitted

in the report that complainant Arshdeep Kaur has compromised the matter with accused-petitioners, namely, Kamaldeep Singh and Parsan Kaur

with the intervention of respectables. The complainant has stated that she is making her statement voluntarily and with her free will and without any

coercion and she has no objection if the proceedings of the above FIR are quashed.

3. Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for the complainant-respondent

No. 2 admit the factum of compromise and have no objection if the impugned FIR and all other subsequent proceedings arising therefrom are

quashed.

4. I have heard learned counsel for the parties.

5. The FIR has been registered on the complaint of Arshdeep Kaur (respondent No. 2) for the offences under Sections 498-A, 406 and 506 IPC

as matrimonial dispute and differences have arisen between the parties. Now, with the intervention of respectables, the parties have agreed to settle

their matrimonial dispute and differences amicably between themselves. The parties have decided to seek dissolution of their marriage and have

filed a petition u/s 13-B of the Hindu Marriage Act seeking divorce by mutual consent. Since the parties have amicably settled their matrimonial

dispute, the chances of ultimate conviction are bleak.

6. After giving my thoughtful consideration to the matter, it may be noticed that the Hon"ble Supreme Court in Gian Singh Vs. State of Punjab and

Another, , has held that the inherent jurisdiction of this Court u/s 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal

cases 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 even

though they are not compoundable. The Hon"ble Supreme Court after having interpreted the relevant provisions, has held in para 57 of the

judgment as follows:

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 question (s) is in affirmative, the High Court shall be well within its jurisdiction to quash the

criminal proceeding.

Keeping in view the factum of compromise and the law laid down by the Hon"ble Supreme Court in Gian Singh v. State of Punjab and another

(supra), this petition is allowed and FIR No. 124 dated 9.11.2011 (Annexure-P.1) registered for the offences under Sections 498-A, 406 and

506 IPC at Police Station Division No. 2 Pathankot, District Pathankot and all other consequential proceedings arising therefrom, on the basis of

compromise dated 27.11.2013 (Annexure-P.2), are hereby quashed.