

## Manjit Singh and Others Vs State of Punjab and Another

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

**Date of Decision:** Oct. 8, 2013

**Hon'ble Judges:** Sabina, J

**Bench:** Single Bench

**Advocate:** Jaideep Verma, for the Appellant; Neeraj Yadav, AAG, for the Respondent

**Final Decision:** Allowed

### Judgement

Sabina, J.

Petitioners have filed this petition u/s 482 of the Code of Criminal Procedure, 1973 seeking quashing of the FIR No. 318 dated

15.12.2007 under Sections 406 and 498-A of the Indian Penal Code, 1860 ("IPC" for short), registered at Police Station Shimla Puri, Ludhiana

and all the subsequent proceedings arising therefrom in view of the compromise arrived between the parties. Vide order dated 08.04.2013, the

trial court was directed to record the statements of the parties and send its report qua genuineness of the compromise.

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 was without any pressure or coercion.

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 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.

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 summarized 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.

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. FIR No. 318 dated 15.12.2007 under Sections 406 and 498-A IPC, registered at

Police Station Shimla Puri, Ludhiana and all the subsequent proceedings arising therefrom are quashed.