

(2014) 07 P&H CK 0825

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-12668 of 2014

Bal Krishan

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 28, 2014

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320, 482
- Penal Code, 1860 (IPC) - Section 120-B, 406, 506

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Navjot Singh, Advocate for the Appellant; Priyanka Sadar, Assistant Advocate General, Advocate for the Respondent

Final Decision: Allowed

Judgement

Mehinder Singh Sullar, J.

The matrix of the facts & material, which needs a necessary mention for deciding the core controversy, involved in the instant petition and emanating from the record is that, initially in the wake of complaint of complainant-Ashok Mittal son of Prem Mittal (respondent No. 2)(for brevity "the complainant"), a criminal case was registered against the petitioners-accused, vide FIR No. 28 dated 29.01.2014 (Annexure P-1), on accusation of having committed the offences punishable under Sections 406, 506 and 120-B IPC, by the police of Police Station Focal Point, District Ludhiana City.

2. During the course of investigation, good sense prevailed and the parties have amicably settled their disputes, by way of compromise dated 05.04.2014 (Annexure P-2).

3. Having compromised the matter, now the petitioners-accused have 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.P.C., inter alia, pleading that now with the intervention of respectable persons from the social and business circle, the parties have removed their misunderstandings, the petitioners have already paid the amount, in question, to the complainant and they have amicably settled their disputes vide compromise (Annexure P-2). The compromise is stated to be in the benefit, welfare and larger interest of the parties. The complainant does not want to further pursue the matter. He has no objection, if the criminal case registered against the petitioners-accused, by means of impugned FIR (Annexure P-1) is quashed. On the strength of aforesaid grounds, the petitioners-accused sought to quash the impugned FIR (Annexure P-1) and all other subsequent proceedings arising therefrom, in the manner depicted herein-above.

4. During the course of preliminary hearing, the Area Magistrate was directed to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise (Annexure P-2), by virtue of order dated 11.04.2014 by a Coordinate Bench (K.C. Puri, J.) of this Court.

5. In compliance thereof, having recorded the statements of all the concerned parties, the Magistrate has concluded vide his report dated 28.04.2014 that they have amicably settled their disputes. The compromise arrived at between them is valid, genuine and without any kind of pressure.

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

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

8. 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 indicated 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 question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

9. Sequently, the same view was again (recently) reiterated by Hon'ble the Apex Court in case [Narinder Singh and Others Vs. State of Punjab and Another,](#)

10. Such, thus, being the legal position and the material on record, now the short & significant question, though important, that arises for determination in this petition is, as to whether the present criminal prosecution against the petitioners 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 present petition deserves to be accepted in this context.

12. As is evident from the record that, in the instant case, with the intervention of respectable persons from social and business circle, the parties have removed their misunderstandings, the petitioners have already paid the amount, in question, to the complainant and they have amicably settled their disputes by means of compromise dated 05.04.2014 (Annexure P-2). Now they have no ill-will against each

other. The complainant does not want to further pursue the matter. He has no objection if the criminal case registered against the petitioners-accused, vide impugned FIR (Annexure P-1) is quashed. The factum and genuineness of the compromise between the parties is also reiterated by the Magistrate in his indicated report.

13. Thus, 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. Therefore, to me, the ratio of the law laid down and the bench-mark set out by the Hon"ble Supreme Court in Gian Singh and Narinder Singh & others" cases(supra), "mutatis mutandis" is applicable to the facts of the present case and is the complete answer to the problem in hand. Sequelly, 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 aforesaid reasons, the instant petition is accepted. Consequently, the impugned FIR No. 28 dated 29.01.2014 (Annexure P-1) and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioners-accused are accordingly discharged, from the indicated criminal case, on the basis of compromise.