

## Balwinder Singh Vs State of Punjab

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

**Date of Decision:** July 24, 2014

**Acts Referred:** Criminal Procedure Code, 1973 (CrPC) â€” Section 320, 482  
Penal Code, 1860 (IPC) â€” Section 323, 328, 34, 342

**Hon'ble Judges:** Mehinder Singh Sullar, J

**Bench:** Single Bench

**Advocate:** Veneet Sharma, Advocate for the Appellant; Raj Preet Singh Sidhu, Assistant Advocate General, Punjab and Party-in-Person, Advocate for the Respondent

**Final Decision:** Allowed

### Judgement

@JUDGMENTTAG-ORDER

Mehinder Singh Sullar, J.

The epitome of the facts & material, culminating in the commencement, relevant for disposal of the instant

petition and emanating from the record is that, initially in the wake of complaint of complainant-Gurpreet Singh son of Paramjit Singh(respondent

No. 2)(for brevity ""the complainant""), a criminal case was registered against petitioners-Balwinder Singh @ Binder son of Gopal Singh and others,

vide FIR No. 155 dated 16.07.2013 (Annexure P-1), on accusation of having committed the offences punishable under Sections 328, 323, 342

and 34 IPC, by the police of Police Station Beas, Amritsar Rural.

2. After completion of the investigation, the police submitted the final police report(challan). The petitioners-accused were accordingly charge-

sheeted for the commission of offences, in question, and the case was listed for evidence of the prosecution by the trial court.

3. During the pendency of the criminal case, good sense prevailed and the parties have amicably settled their disputes, by way of compromise

dated 05.04.2014 (Annexure P-2).

4. 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 with the

intervention of respectable persons, the parties have amicably settled their disputes vide compromise(Annexure P-2). They belong to the same

village. They have redressed their grievances. Now they have no ill-will against each other. The compromise is stated to be in the benefit, welfare

and larger interest of the parties. The complainant 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 described here-in-above.

5. During the course of preliminary hearing, the trial Court 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 26.05.2014 by this Court.

6. In compliance thereof, having recorded the statements of all the concerned parties, the trial Court has concluded vide its report dated

09.06.2014 that they have amicably settled their disputes. The compromise arrived at between them is valid, genuine and without any kind of

threat or pressure.

7. 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 trial Court.

8. 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.

9. 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.

10. 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,

11. Above being the legal position and the material on record, now the short and 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?

12. 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.

13. As is evident from the record that, in the instant case, with the intervention of respectable persons, the parties have compromised the matter

without any kind of fear or pressure. They have redressed their grievances. Now they have no ill-will against each other. The complainant, who is

today present in the court, has reiterated the factum of compromise. He has no objection if the criminal case registered against the petitioners-

accused, by means of impugned FIR(Annexure P-1) is quashed. The factum and genuineness of the compromise between the parties is also

reiterated by the trial Court in its indicated report.

14. 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 attracted 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.

15. In the light of aforesaid reasons, the instant petition is accepted. Consequently, the impugned FIR No. 155 dated 16.07.2013 (Annexure P-1)

and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioners-accused are accordingly acquitted of the charges

framed against them, on the basis of compromise.