

CRM-M-12776 of 2022 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12776 of 2022 (O&M)

Date of decision: 16.01.2023

Sukhwinder Pawar and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amit Sharma, Advocate,
for the petitioners.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioners under Section 482 Cr.P.C. for quashing FIR No.0155 dated 18.09.2021 under Sections 304, 34 IPC, registered at Police Station Dehlon, District Ludhiana and all consequential proceedings arising therefrom, on the basis of compromise dated 15.11.2021 (Annexure P-2).

Brief fact of the case are that present FIR was registered on the complaint of respondent No.2, who stated that on 16.09.2021 at 10.00 a.m. her son Mandeep Singh aged 29 years told her that he had been called by Sajju Baba in Dargah, therefore, he is going with Rahul Singh @ Pappu petitioner No.2) at Ali Da Shahir Dargah, Village Ghawandi, District Ludhiana, to meet Baba Sukhwinder Pawar @ Sanju Baba (petitioner No.1). Tuffan, friend of Mandeep Singh, telephonically told

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the son of the complainant, namely, Ishar Singh at about 9.00 a.m. that blood pressure of Mandeep Singh has lowered down and they are taking him to doctor. Thereafter, again a call was received that Mandeep Singh had expired and petitioners brought the dead body of Mandeep Singh to their house. It is further alleged that Mandeep Singh had died at Ali Da Shahir Dargah under mysterious circumstances. Had he been given proper treatment, life of Mandeep Singh could have been saved by the petitioners.

Learned counsel for the petitioners submits that parties have reached at amicable settlement vide compromise deed dated 15.11.2021 (Annexure P-2), therefore, present petition deserves to be allowed and the FIR in question be quashed on the basis of compromise.

I have heard learned counsel for the parties and perused the record.

Hon'ble Supreme Court in ***Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543*** has held as under: -

“54. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of society and it is not safe to leave the crime- doer only because he and the victim have

settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.”

The parties may claim to stand pacified and to be living in peaceful co-existence. However, the fact remains that the loss of human life cannot be ignored or forgotten, in light of subsequent conduct offered by the parties. Also, it cannot be lost sight of that case with passage of time informant may succumb to various circumstances and factors besides open and other threats and inducements that are not required to be gone

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into at this stage.

Consequently the petition fails and is dismissed. However, the prosecution proceedings may continue unaffected/influenced by any observation made in this order. Further, it is clarified that the learned court below may decide the case before it only on the basis of evidence that may arise in that case, without being influenced by the facts stated in the compromise document and the affidavit filed in support thereof, in these proceedings.

16.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No

सत्यमेव जयते