

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

**240**

**CRM-M No.8027 of 2019  
Date of Decision:-11.12.2019**

**SONU AND OTHERS**

**.....Petitioners**

**V/S**

**STATE OF PUNJAB AND ANR.**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

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

Mr. Sandeep Singh Deol, D.A.G. Punjab  
for respondent No. 1-State.

Mr. Ajay Bhandari, Advocate  
for respondents No. 2 to 4.

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**ARUN KUMAR TYAGI, J. (ORAL)**

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR No. 0379 dated 26.12.2018 registered under Sections 452, 506, 323, 148 read with Section 149 of the Indian Penal Code, 1860 at Police Station Division No.7 Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 08.02.2019 arrived at between the parties.

The above said FIR was registered on statement of respondent No.2-Sudheer who alleged that on 25.12.2018 at about 1:30 PM he went to his brother's house because his sister Reeta had come from U.P. He and his sister were inside the house and his elder brother Sunil, Babu Ram and Tinku were sitting in the street outside. Suddenly Sonu, Monu and Manoj all sons of Sunder and their father Sunder and

5-6 unknown persons who were armed with *datt* and sticks started beating his brother Sunil outside his house and after beating his brother all of them came inside the house of his brother. Sonu inflicted blow with *datt* on his head and Monu inflicted blow with stick on right side of his chest on which he fell there. Sonu and Sunder also caused injuries on arms and legs of his sister Reeta. They also gave beatings to his nephew Sawan, damaged chairs and other household articles and also insulted the ladies.

The petitioners have filed the present petition for quashing of the FIR on the grounds that now with the intervention of respectables, the matter has been amicably compromised between the parties and they have resolved their disputes.

The Co-ordinate Bench of this Court, while issuing notice of motion directed recording of statements of the parties vide order dated 22.02.2019 which reads as under:-

*“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 379 dated 26.12.2018, registered under Section(s) 452, 506, 323, 148 & 149 IPC at Police Station Division No. 7, Ludhiana, on the basis of compromise (Annexure P2).*

*Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables.*

*Notice of motion.*

*On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of respondent(s) No. 1. Mr. Ajay Bhardwaj, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 and affirmed the fact of compromise effected between the parties.*

*In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 05.03.2019 for getting their statements recorded with regard to the compromise arrived at between them.*

*The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at*

*any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.*

*Adjourned to 28.03.2019.”*

In terms of aforesaid order, Judicial Magistrate Ist Class, Ludhiana recorded the statements of complainant-Sudhir, injured-Sunil and accused-Manoj, Sunder, Monu and Sonu and submitted report dated 19.03.2019 while mentioning that injured-Rita and Sawan had not appeared for recording of their statements. The relevant part of the report reads as under:-

*“On 05.03.2019 complainant Sudheer, injured Sunil and accused Manoj, Sunder, Monu and Sonu came present before the undersigned in compliance of the order dated 22.02.2019 passed by Hon'ble Punjab & Haryana High Court, Chandigarh, for recording their statements. As per the order dated 22.02.2019 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in C.R.M. M-8027 of 2019 the undersigned was directed to send the report with regard to the compromise after recording the statements of both the parties before next date i.e. 28.03.2019. I have recorded the statements of complainant Sudheer, injured Sunil and accused Manoj, Sunder, Monu and Sonu who have stated that the matter has been amicably settled and compromised between them. Complainant Sudheer and injured Sunil have stated that the compromise is genuine, voluntary and without any undue influence and coercion and they have no objection if the FIR be quashed against accused persons. Same statement has been recorded by the accused Manoj, Sunder, Monu and Sonu. From the statements of complainant Sudheer, injured Sunil and accused Manoj, Sunder, Monu and Sonu it is clear that the compromise has been effected between them voluntarily, without any threat or coercion. As such report qua them cannot be made.*

*From the statement of the parties and record following report is being submitted:-*

- (i) There are four persons namely Sonu, Monu, Manoj and Sunder as accused in the present FIR.*
- (ii) Accused have stated that they have not been declared proclaimed offender. As per the report of Ahlmad the said accused are not declared proclaimed offender in the present case.*

- (iii) *As per the report of Ahlmad no remand papers qua the present FIR is pending in the court of undersigned.*
- (iv) *In the present case, Sonu, Monu, Manoj and Sunder are accused and complainant is Sudhir and injured are Sunil, Rita and Sawan as per FIR. Rita and Sawan have not appeared for recording their statement. But the statement recorded by accused persons and complainant Sudhir and injured Sunil lead to conclusion that compromise entered into between them is genuine and valid.”*

Vide order dated 06.09.2019 passed by the Co-ordinate bench of this Court injured-Rita and Sawan were impleaded as respondents No.3 and 4 and the trial Court/Area Judicial Magistrate was directed to record their statements. Relevant part of the order is reproduced as under:-

*“.....Present petition is for quashing of FIR No.379 dated 16.12.2018 under Sections 452, 506, 323, 148, 149 IPC, registered at Police Station Division No.7, Ludhiana, on the basis of compromise.*

*Learned counsel for respondents No.3 and 4 affirms the factum of compromise.*

*Let the parties appear before the trial Court/Area Judicial Magistrate 19.09.2019 for getting their statements recorded with regard to the compromise. The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at any stage of trial, (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing*

*Adjourned to 30.10.2019.”*

In terms of aforesaid order, Judicial Magistrate Ist Class, Ludhiana has recorded their statements and submitted report dated 23.10.2019. The relevant part of the same reads as under:-

*“In the present matter the statements of complainant Sudhir and injured Sunil and accused namely Manoj, Sunder, Monu and Sonu have already been recorded as per order dated 22.03.2019 of the Hon'ble High Court in CRM-M 8027 of 2019 and report to that effect was sent to your goodself vide letter No. 80 dated*

*19.03.2019. In compliance to further orders of the Hon'ble High Court of Punjab & Haryana dated 06.09.2019, today the parties come present for getting recorded their statements regarding compromise effected between them. Statements of injured Reeta wife of Rajesh Kumar and Sawan Kumar son of Sunil Kumar recorded today and in their statements, they stated that the matter has been compromised between them and the accused and that the compromise is genuine and without any undue inducement, coercion or pressure and they have no objection if the present FIR is quashed against accused Sonu, Monu, Manoj and Sunder. From the statements Reeta and Sawan kumar, it is cleaer that compromise has been effected between them and the accused voluntarily, wihout any threat or coercion. From the statements of the said persons and record, following report is being submitted:*

- (i) There are four accused in the present case namely Sonum Monu,Manoj and Sunder.*
- (ii) Accused have stated that they have not been declared proclaimed offender. As per report of Ahlmad, the said accused are not declared proclaimed offenders in the present case*
- (iii) As perreport of Ahlmad no remand papers qua the present FIR is pending in the court of undersigned*
- (iv) In the present case, Sonu, Monu, Manoj and Sunder are accused and complainant is Sudhir and injured are Sunil, Rita and Sawan as per FIR. Statements of complainant Sudheer and injures Sunil and accused namely Manoj,Sunder, Monu and Sonu have already been recorded on 05.03.2019 as per order dated 22.03.2019 and today statements of injured Rita and Sawan Kumar were recorded. Statements of said injured, leads to conclusion that compromised entered into between the parties is genuine and valid.”*

A perusal of the aforesaid report clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence. Learned State Counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of the compromise effected between the parties in this case.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on

the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to **Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482; State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019(2) RCR (Criminal) 255 and Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.**

The present case is overwhelmingly and predominantly of private nature. The parties have resolved the dispute and compromised the matter. The compromise has been arrived at initial stage of the case.

In view of the facts and circumstances of the case the possibility of conviction of the petitioners is remote and bleak and continuation of this case will put the petitioners to great oppression and extreme injustice would be caused to them if the case is not quashed. Therefore, FIR No.0379 dated 26.12.2018 registered under Sections 452, 506, 323, 148 read with Section 149 of the Indian Penal Code, 1860 at Police Station Division No.7 Ludhiana (Annexure P-1) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

**11.12.2019**

Rajeev (rvs)

**(ARUN KUMAR TYAGI)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |