

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

244

CRM-M-43722-2017

Date of decision: 26.11.2019

Parvinder Pal Singh @ Parminder Pal Singh and othersPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

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

None for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.71 dated 21.04.2017 registered under Sections 420/120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Division B, District Amritsar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 05.10.2017 (**Annexure P-2**).

Briefly stated, the facts giving rise to the filing of present petition are that Sarabjit Singh submitted written complaint to Commissioner of Police, Amritsar. In the complaint, Sarabjit Singh alleged that on representation of Nirmaljit Singh who is working as a property dealer and on assurance given by Satwant Kaur, Parminderpal Singh, Devinderpal Singh and Arvinderpal Singh that Satwant Kaur was owner of the house measuring 178 sq. yds. and all bills thereof had

been paid, he purchased the same vide sale deed dated 08.07.2016 registered on 11.07.2016 in the name of his wife Balwinder Kaur but subsequently came to know that the area of the above said property was 164 sq. yds. and not 178 sq. yds. and the property tax, electricity, water and phone bills of the said house were not cleared. The above said persons thereby committed fraud with him and on being asked refused to return the excess amount. On the basis of the complaint, the above said FIR was registered.

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.

The Co-ordinate Bench of this Court vide order dated 20.11.2018 directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their statements and also directed the Illaqa Magistrate/Trial Court to submit its report. Relevant part of order dated 20.11.2018 reads as under:-

“The parties are directed to appear before the Illaqa Magistrate/trial Court on 20.12.2018 for recording their statements qua compromise.

The Illaqa Magistrate/trial Court is directed to submit its report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties. The Illaqa Magistrate/trial Court shall also furnish the following information:

- 1. Whether there is any other accused other than the petitioners, arrayed in this petition?*
- 2. Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?”*

The Coordinate Bench of this Court vide order dated 20.03.2019 and thereafter vide order dated 10.07.2019 extended time for recording of statements of the parties and directed the Illaqa

Magistrate/Trial Court to submit its report.

In compliance therewith, learned Judicial Magistrate (1st Class), Amritsar has recorded the statements of the parties and submitted report dated 14.10.2019. The relevant part of the same reads as under:-

".....On 10.09.2019, accused/petitioner Parvinderpal Singh alias Parminderpal Singh, Davinderpal Singh and Arvinderpal Singh appeared before this Court. They have got recorded their statements that the matter has been compromised between the parties with the intervention of respectables of the society. The compromise is out of free will. Sarabjit Singh (complainant), appeared before this Court on dated 10.09.2019. The statement of respondent/complainant Sarabjit Singh has also been recorded to the effect that the matter has been compromised between the complainant and the accused. The matter has been compromised with the intervention of respectables of the society. The compromise is out of free will. No coercion, undue influence or pressure is used for the compromise. She has no objection if the FIR may be quashed. The complainant seeks the quashing of the aforesaid FIR.

Statement of SI Davinder Kumar, No. 567, Ferozepur, posted as P.S. 'B' Division, Amritsar has been recorded on 11.09.2019. As per his statement there are four accused in this FIR namely Parvinderpal Singh alias Parminderpal Singh, Davinderpal Singh, Arvinderpal Singh and Satwant Kaur. Satwant Kaur has died. All remaining accused have joined investigation. None of the accused have been declared P.O. by any court of law in this FIR. No other FIR is pending against other accused persons. It is submitted that accused Satwant Kaur has died.

I have the honour to submit that I have gone through the statements given by the parties and passed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise between Parvinderpal Singh @ Parminderpal Singh, Davinderpal Singh and Arvinderpal Singh has been effected between the parties is without any pressure or coercion. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed vide order dated 10.07.2019, the report is as under"

- 1. There are four accused arrayed in the FIR as per the statement of SI Davinder Kumar, No.567, Ferozepur. Accused Satwant Kaur as died.*

2. *None of the accused has been declared PO in this FIR.*
3. *No other criminal case is pending against the accused and complainant appearing before this court."*

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 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) R.C.R. (Criminal) 1052.**

Petitioners No.1, 3 and 4 have compromised the matter with respondent No.2. However, petitioner No.2 died during pendency and the proceedings against her abated.

The present case is overwhelmingly and predominantly of private character and has arisen out of commercial transaction. The parties have resolved their entire dispute among themselves. The settlement has been arrived when the matter is still at initial stage.

In view of the facts and circumstances of the case, the possibility of conviction of petitioners No.1, 3 and 4 is remote and bleak and continuation of this case will put petitioners No.1, 3 and 4 to great oppression and extreme injustice would be caused to them if the case is not quashed. Therefore, FIR No.71 dated 21.04.2017 registered under Sections 420/120-B of the IPC at Police Station Division B, District Amritsar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom qua petitioners No.1, 3 and 4.

The petition is allowed accordingly.

26.11.2019

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No