

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

**234**

**CRM-M-47241-2018  
Date of decision: 28.11.2019**

Priya @ Mona and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present : Mr. Rakesh Kumar, Advocate  
for the petitioners.

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

None for respondent No.2.

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

Petitioners-Priya @ Mona and Sukhwinder Kaur have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.91 dated 03.04.2017 registered under Sections 452/427/34/506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Kapurthala, District Kapurthala (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 29.05.2018 (**Annexure P-2**) effected with respondent No.2-Baldev Kaur.

The above said FIR was registered on statement of respondent No.2-Baldev Kaur alleging that her elder son Lovepreet Singh @ Lovely got engaged with Priya @ Mona about a year back. After some time, her son came to know that Priya @ Mona already had love affair with some other boy. On 03.03.2017 the Complainant and her son went to the house of Priya @ Mona at Mohalla Mehtabgarh for

talking in this regard but they insulted the complainant and her son and threw them out of their house. On the same day at about 9/9:30 Aman Khatta real brother of Priya @ Mona and her mother Sukhwinder Kaur @ Sukhi and Priya @ Mona came to the complainant's house and started abusing their family members and caused damage to their Acura No.PB-09-AC-0416, chairs and other house hold articles lying in the house and extended the threat that if they refused to accept the marriage, then they would be put in such condition as to be unable to get up from the cot and they would remember the same for whole life.

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 differences.

On 30.11.2018 a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“This petition has been filed for quashing of FIR No.91 dated 3.4.2017 on the basis of compromise (Annexure P-2).*

*Notice of motion.*

*Mr. K.S. Sidhu, DAG, Punjab accepts notice on behalf of the State of Punjab. Let two copies of the petition be supplied to him during the course of the day. Ms. Monika Mehta, Advocate, puts in appearance and accepts notice on behalf of respondent No.2.*

*The parties are directed to appear before the trial Court/Illaq Magistrate on 9.1.2019 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court as regards genuineness of compromise well before the next date of hearing.*

*Adjourned to 22.3.2019.”*

On request for enlargement of time, subsequently vide order dated 22.07.2019 another Co-ordinate Bench of this Court directed Illaq Magistrate/trial Court to record statements of the parties

on 04.09.2019 in terms of order dated 30.11.2018 and submit its report as regards authenticity and genuineness of compromise.

In terms of aforesaid order, learned Chief Judicial Magistrate, Kapurthala has recorded the statements of both the parties and submitted report dated 08.11.2019 which is as under :

*"Most humbly, it is submitted that in pursuance of order dated 22.07.2019, passed in above cited case, statements of the respondents No. 2 Baldev Kaur w/o Sh. Daulat Ram Late r/o Mohalla Baba Nam Dev Colony presently residing in Kille wala Kapurthala Tehsil and District Kapurthala and of the petitioners no. (1) Priya @ Mona d/o Late Mahinder Singh r/o Mohalla Mahetabgarh Kapurthala Tehsil and District Kapurthala (2) Sukhwinder Kaur w/o Late Mahinder Singh r/o Mohalla Mahetabgarh Kapurthala Tehsil and District Kapurthala have been recorded in the Court of undersigned.*

*2) Respondent No. 2 Baldev Kaur w/o Sh. Daulat Ram Late r/o Mohalla Baba Nam Dev Colony presently residing in Kille wala Kapurthala Tehsil and Distt. Kapurthala has submitted that she has compromised the matter voluntarily and without any threat, pressure, coercion or undue influence and also submitted that she has no objection if the accused are acquitted of charge/FIR is quashed. The above said respondents has been identified by counsel Ms. Raman Kumari, Advocate.*

*3) Above said petitioner no. (1) Priya @ Mona d/o Late Mahinder Singh r/o Mohalla Mahetabgarh Kapurthala Tehsil and District Kapurthala (2) Sukhwinder Kaur w/o Late Mahinder Singh r/o Mohalla Mahetabgarh Kapurthala Tehsil and District Kapurthala have been identified by counsel Sh. Nitin Sharma, they also suffered a statement that they have compromised the matter with the respondents and the compromise is genuine, voluntarily and without any coercion or undue influence of the complainants.*

*4) It is further submitted that as per statement made on 06.11.2019 by Inspector ASI Satnam Singh No. 1425/Kpt. PS Kotwali Kapurthala, no other accused have been arrayed or declared proclaimed offender in the said case and moreover no other criminal case is pending against either of the parties in the case mentioned above.*

*5) So in this way, on the basis of the statements made by both the parties it has become crystal clear that:*

*a) No accused has been declared proclaimed offender in the said case.*

*b) The compromise is genuine, voluntary and without any coercion or undue influence.*

*c) Accused in the said case are not involved in any other FIR."*

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties voluntarily 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 **Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) R.C.R. (Criminal) 1052, Narinder Singh Vs. State of Punjab (Supreme Court): 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019(2) RCR (Criminal) 255.**

The present case is overwhelmingly and predominantly of private character. The parties have resolved their entire dispute among themselves. The compromise has been arrived at between the parties at the initial stage.

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 the petitioners if the FIR and all consequential proceedings are not quashed. Therefore, FIR No.91 dated 03.04.2017 registered under Sections 452/427/34/506 of the IPC at Police Station City Kapurthala, District Kapurthala (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition is allowed accordingly.

**28.11.2019**

Vinay

**(ARUN KUMAR TYAGI)  
JUDGE**

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