

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

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**CRM-M-26198-2019
Date of decision: 11.12.2019**

Gurjant Singh @ Janta

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. N.S. Dandiwal, Advocate
for the petitioner.

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

Mr. Kuldeep Singh, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Gurjant Singh @ Janta** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.53 dated 08.06.2016 registered under Sections 323 and 325 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Smalsar Moga, District Moga (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 08.05.2019 (**Annexure P-2**) effected with respondent No.2-**Amarjit Kaur**.

The abovesaid FIR was registered on statement of respondent No.2-Amarjit Kaur who alleged that her husband had died about 21 years back. She had one son and four daughters. Accused-Gurjant Singh @ Janta (petitioner) had purchased quarter to three acres land from her son Jagsir Singh without her consent. She did not know what was the sale consideration. On 25.05.2016, she went to house of

Amrik Singh son of Sadhu Singh for taking the lease money but when she was coming back and reached in front of the school, then accused- Gurjant Singh @ Janta, who was standing in front of his gate and his wife Amarjit Kaur was also standing there. She told Amarjit Kaur that Gurjant Singh @ Janta was talking with the people of the village to raise the boundary in their land. As the boundary was to be raised by them, he should straightway talk to them. In the meantime, Gurjant Singh @ Janta caught hold of her from hair and started giving fists blows which fell on her lips, on forehead and on the back side of her neck as a result of which her three teeth started shaking and her lips were also got injured. When, she raised alarm '*Maar Ditta Maar Ditta*', wife of Gurjant Singh @ Janta and his uncle Nek Singh saved her from Gurjant Singh @ Janta.

The petitioner has 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 Coordinate Bench of this Court, while issuing notice of motion on 01.07.2019, passed the following order:-

"Prayer made herein is for quashing of FIR (Annexure P-1) and proceedings emanating therefrom on the basis of a compromise effected between the parties.

Notice of motion for 13.11.2019.

Mr. Kuldeep Singh, Advocate has appeared on behalf of respondent No.2 and filed power of attorney. The same is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 16.9.2019 for recording their statements qua compromise.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statement 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."*

In terms of aforesaid order, learned Sub Divisional Judicial Magistrate, Baghapurana has recorded the statements of both the parties and submitted report dated 19.09.2019. The relevant part of the same reads as under:-

"2. Complainant Amarjit Kaur stated in her statement that she has lodged the FIR No.53 dated 8.6.2016, under Sections 323, 325 of IPC, P.S. Smalsar Against accused Gurjant Singh alias Janta son of Teja Singh, resident of village Sekha Khurd, Tehsil Baghapurana, District Moga. With the intervention of respectable members of their village, they have arrived into the compromise. Now she does not want to proceed with the present case and she has no objection in case the quashing proceedings pending in the Hon'ble High Court be accepted and FIR be quashed. She further stated that the compromise has been effected without any pressure or compulsion and with her free will. She suffered the statement in the court without any undue influence.

Thereafter, accused/petitioner Gurjant Singh alias Janta son of Teja Singh, resident of village Sekha Khurd, Tehsil Baghapurana also got recorded his separate statement to the effect that with the intervention of respectables, they have arrived a compromise between him and complainant. He has already filed quashing proceeding which is pending in the Hon'ble High Court as compromise has been effected between the parties and he have compromised the matter without any pressure or compulsion and with his free will and he suffered the joint statement in the court without any pressure.

It is submitted that having recorded the statements of the parties and after orally inquired from them, this court is of the considered opinion that compromise effected between the parties is genuine, voluntary and out of free will of the parties. Further submitted that there is no other accused than the petitioner and there is no other complainant or affected/aggrieved party other than the respondents."

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 ***Kulwinder Singh and others Vs. State of Punjab and Other (Punjab and Haryana High Court) : 2007(3) RCR (Criminal) 1052;***

Narinder Singh Vs. State of Punjab : 2014 (2) RCR (Criminal) 482
and *State of Madhya Pradesh Vs. Laxmi Narayan and others : 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 petitioner is remote and bleak and continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed. Therefore, FIR No.53 dated 08.06.2016 registered under Sections 323 and 325 of the IPC at Police Station Smalsar Moga, District Moga (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

11.12.2019

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(ARUN KUMAR TYAGI)
JUDGE

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