

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

265

CRM-M-30602-2019
Date of decision: 13.11.2019

Sunil Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.S. Brar, Advocate
for the petitioner.

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

Mr. A.S. Brar, Advocate for
Mr. A.S. Mann, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") praying for quashing of FIR No.34 dated 10.02.2018 registered under Section 380 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Raman, District Bathinda (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 21.02.2019 (**Annexure P-2**).

Complainant-Gurpreet Singh submitted written complaint to SSP Bathinda alleging therein that accused-Sunil Kumar has stolen two pen drives, in which important data of the complainant's office was stored, labour register and other important documents, demanded ransom and threatened to implicate him in false cases. On the basis of

the complaint, the above said FIR was registered.

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 and they have resolved their disputes and differences.

The Coordinate Bench of this Court, while issuing notice of motion on 19.07.2019, passed the following order:-

"The petitioner has approached this Court seeking quashing of FIR No.34 dated 10.2.2018 registered at Police Station Raman, District Bathinda under Section 380 of Indian Penal Code, 1860 and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 13.11.2019.

At this stage, Mr. Amardeep Singh Mann, Advocate has appeared on behalf of respondent No.2 and has filed power of attorney, which is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 5.9.2019 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 petitioner, 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, Talwandi Sabo has recorded the statements of both the parties and submitted report dated 11.09.2019. The operative part of the same reads as under:-

"3. It is further humbly submitted that as per record and statements there is no other accused other than the petitioner Sunil Kumar involved in the present case and there is no other complainant or affected/aggrieved

party other than the respondent No.2/complainant namely Gurpreet Singh.

4. It is further submitted that as per the statements of the parties the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence."

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both 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 : 2014 (2) RCR (Criminal) 482* and *State of Madhya Pradesh Vs. Laxmi Narayan and others : 2019 (2) RCR (Criminal) 255*.

The offences involved are overwhelmingly and predominantly of private character arising in the course of employment of the petitioner under respondent No.2. The private parties have resolved their entire dispute among themselves. The compromise has been entered into at an early stage while the case is fixed for prosecution evidence which is yet to be recorded.

In view of the facts and circumstances of the case, the possibility of conviction is remote and bleak and continuation of this case will put the accused to great oppression and extreme injustice would be caused to him if the case is not quashed. Therefore, FIR No.34 dated 10.02.2018 registered under Section 380 of the IPC at Police Station Raman, District Bathinda (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

13.11.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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