

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

CRM-M No. 31030-2019

Date of Decision:-14.11.2019

BALBIR SINGH AND ORS.

.....Petitioners

V/S

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Saurav Bhatia, Advocate for
Mr. S.S.Rangi, Advocate
for the petitioners.

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

Mr. Kuljinder Singh Billing, 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.123 dated 01.07.2018 registered under Sections 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 09.07.2019 (Annexure P-2).

Briefly stated, the facts of the case are that respondent No.2/complainant-Lakhwinder Singh and his brother Bachhitar Singh had purchased land mentioned in the complaint from petitioners No.2 and 3 and paid the entire sale consideration but subsequently on dispute they agreed to pay an amount of Rs. 10,50,000/- more to petitioners No. 2 and 3 with

reference to agreement dated 26.12.2016. They paid amount of Rs. 10,38,000/- through three cheques which was received by petitioners No.2 and 3. Thereafter they issued cheque No.000021 dated 16.05.2017 towards balance payment and interest amount of Rs. 8,000/- totalling Rs. 20,000/- to petitioners No.2 and 3 but they tampered with the cheque to convert the figure into Rs. 9,20,000/- and filled the name of petitioner No. 1. Respondent No.2/complainant-Lakhwinder Singh and his brother Bachhitar Singh accompanied by others approached the petitioners but they insulted and turned them back. Respondent No.2/complainant-Lakhwinder Singh submitted written complaint to SSP Tarn Taran on the basis which 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 and they have resolved their disputes.

Co-ordinate Bench of this Court, while issuing notice of motion directed recording of statements of the parties vide order dated 22.07.2019, relevant part of which reads as under:-

“Notice of motion for 14.11.2019.

Mr. Kuljinder Singh Billing, 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 12.9.2019 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, Sub Divisional Judicial Magistrate, Patti has recorded the statements of both the parties and submitted report dated 08.11.2019. The operative part of the same reads as under:-

“ In pursuance of Order dated 22.07.2019, passed by Hon'ble Punjab and Haryana High Court in subject cited case, petitioners, Balbir Singh, Amandeep Singh and Navdeep singh appeared before this Court for recording their statements with regard to compromise on 12.09.2019 and got recorded in their joint statement that they have entered into compromise with complainant Lakhwinder Singh out of their own sweet will and without any pressure and coercion. They requested that FIR registered against them be ordered to be quashed on the basis of compromise. Respondent no. 2 Lakhwinder Singh also appeared to record his statement regarding compromise on 12.09.2019 and suffered statement that he has entered into compromise with accused Balbir Singh, Amandeep Singh and Navdeep Singh without any pressure and coercion and he has no objection if the FIR be quashed. So , I am satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one. As per FIR there are total of three accused namely Balbir Singh, Amandeep Singh and Navdeep Singh, who are petitioners before Hon'ble Punjab and Haryana High Court and none of them has been declared proclaimed offender in this case. There is no other accused except the petitioners before Hon'ble Punjab & Haryana High Court. There is no other complainant/aggrieved party except the respondent No. 2 Lakhwinder Singh as per statement of Investigating Officer ASI Sukhwinder Singh.”

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 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 : 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 civil character and has arisen out of a commercial transaction. The parties have resolved their entire dispute among themselves. The settlement has been arrived immediately after the alleged commission of offence and the matter is still under investigation.

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 petitioners to great oppression and extreme injustice would be caused to them if the case is not quashed. Therefore, FIR No.123 dated 01.07.2018 registered under Sections 420, 467, 468, 471, 120-B and 34 of

the Indian Penal Code, 1860 at Police Station Sadar Patti, District Tarn
Taran (Annexure P-1) is quashed along with all consequential proceedings
arising therefrom .

The petition is allowed accordingly.

14.11.2019

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No