

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

**249**

**CRM-M-46251-2019  
Date of decision: 26.11.2019**

Vikramjeet Singh and another .....Petitioners

Versus

State of Punjab and another .....Respondents

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

Present : Mr. B.S. Aulakh, Advocate  
for the petitioners.

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

Mr. Brajesh Kumar, Advocate for  
Mr. Gaurav Sharma, Advocate  
for respondent No.2.

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**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 short 'the Cr.P.C.') for quashing of FIR No.48 dated 08.03.2019 registered under Sections 454 and 380 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Malout, District Sri Muktsar Sahib (**Annexure P-1**), to which Section 411 of the IPC was added lateron, along with all consequential proceedings arising therefrom in view of the compromise dated 18.10.2019 (**Annexure P-2**).

Briefly stated, the facts giving rise to the filing of present petition are that the above-said FIR was registered on statement of complainant-Harcharan Singh who alleged that on 07.03.2019 at about 04:00 A.M. he along with his wife and son had gone to Amritsar Passport Office for renewal of thier passport. When they returned at

around 07:15 P.M., they found that handle of the almirah had been broken and cash and other valuables as mentioned in the statement had been stolen by some unknown person. The police investigated the matter and during investigation the petitioners were arrested and recoveries were made from them.

The petitioners have filed the present petition for quashing of the FIR on the grounds that now with the intervention of common relatives and respectables of the society, the matter has been amicably compromised between the parties.

This Court, while issuing notice of motion on 30.10.2019, passed the following order:-

*"Learned counsel for the petitioners has while referring to Annexure P-2 contended that a compromise has been effected between the parties and prayed for quashing of FIR No.48 dated 08.03.2019 registered under Sections 454, 380 and 411 of the Indian Penal Code, 1860 at Police Station City Malout, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom.*

*Notice of motion for 26.11.2019.*

*On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of respondent No.1-State.*

*At this stage, Mr. Gaurav Sharma, Advocate has appeared on behalf of respondents No.2 and admits the factum of compromise.*

*Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 06.11.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information :-*

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/ complainants are there in the FIR.*

*Trial Court/Illaq Magistrate is directed to send the report in time and also to send copy of the report to the Registrar (Judicial) of this Court so as to reach this Court before the date of hearing fixed. "*

In terms of aforesaid order, learned Sub Divisional Judicial Magistrate, Malout has recorded the statements of the parties and submitted report dated 08.11.2019. The relevant part of the same reads as under:-

*"On 06.11.2019, Complainant Harcharan Singh and accused Vikramjeet Singh and Gurbhej Singh appeared before the undersigned. Complainant Harcharan Singh made a statement that FIR has been registered on the basis of his statement against accused/petitioners Vikramjeet Singh and anr. He averred that he has compromised the matter with the accused, without any coercion, pressure or undue influence. He has no grudge against above said accused persons. He further stated that he has no objection if the proceedings against them are dropped on the basis of compromise.*

*Similarly, petitioner-accused Vikramjeet Singh and Gurbhej Singh also suffered statement to the effect that compromise is genuine voluntary and without any coercion.*

*Statement of ASI Karnail Singh No.710/SMS now posted as PS City Malout was also recorded. He stated that he is investigating officer of present FIR no.48 dated 08.03.2019. As per record, there is only one victim/complainant namely Harcharan Singh son of Mukhtiar Singh in present FIR and there are two accused namely Vikramjeet Singh and Gurbhej Singh and none of the accused is proclaimed offender.*

*From the statements made by the parties, this court is satisfied that aforesaid statements have been made by complainant Harcharan Singh and accused are voluntarily, without any threat or any undue influence. It is further mentioned that as per statement of Investigating Officer, there is only one victim/complainant namely Harcharan Singh son of Mukhtiar Singh in present FIR and there are two accused namely Vikramjeet Singh and Gurbhej Singh and none of the accused is proclaimed offender."*

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) RCR (Criminal) 1052.**

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 them if the case is not quashed. Therefore, FIR No.48 dated 08.03.2019 registered under Sections 454 and 380 of the the IPC at Police Station Malout, District Sri Muktsar Sahib (**Annexure P-1**), to which Section 411 of the IPC was added lateron is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

**26.11.2019**

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**(ARUN KUMAR TYAGI)  
JUDGE**

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