

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

244

**CRM-M No. 46657 of 2019
Date of Decision:-11.12.2019**

Ravi Kumar @ Ravi @ Ravi Kataria

.....Petitioner

V/S

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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

Ms. Sajida Akhtar, Advocate
for respondents No.2 to 4.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner-**Ravi Kumar @ Ravi @ Ravi Kataria** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing the FIR No.94 dated 16.05.2009 registered under Sections 326, 452, 324, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Adampur, District Jalandhar (**Annexure-P1**) and the P.O. order dated 01.02.2012 passed by Judicial Magistrate Ist Class, Jalandhar (**Annexure-P3**) and all consequential proceedings arising therefrom on the basis of compromise dated 25.09.2019 (**Annexure-P5**) effected with respondents No.2 to 4-
Surjit Singh, Paramjit Singh and Tarsem Lal.

The above said FIR was lodged by respondent No.2 Surjit Singh alleging that on 15.05.2009 at about 8:25 PM he along with Tarsem

came from Jalandhar to his house. In the meantime Sonu, Ravi (petitioner) and Tarsem Lal along with 4-5 persons, who were armed with datar, kirpan, baseball bat and deadly weapons trespassed into his house and Tarsem Lal inflicted blow **with weapon on back side of his head** and second blow on his eyebrow. When he raised noise “Mar ditta, Mar ditta” and his brother Paramjit Singh and Tarsem tried to rescue him, then the accused caused injuries to them with their respective weapons. Sonu gave datar below from reverse side which hit on his nose. The unidentified persons also inflicted injuries with their weapons. The motive for the occurrence was that the wall of their house and accused Sonu was joint and bad elements used to come in the house of Sonu and used to stand on the roof. On 14.05.2009 at about 9/10 P.M they stopped the accused persons from standing on the roof due to which reason the accused persons caused injuries to them.

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.

Vide order dated 02.11.2019 passed by this Court recording of statements of the private parties was directed and relevant part of the same reads as under:-

“Notice of motion for 29.11.2019.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper book has been supplied to the learned State Counsel who seeks time to complete his instructions.

At this stage, Ms. Sajida Akhtar, Advocate has put in appearance on behalf of respondents No.2 to 4 and admits the factum of compromise between the petitioner and respondents No.2 to 4.

The petitioner is directed to surrender before the trial Court/Illaq Magistrate on 19.11.2019. On such surrender, the petitioner shall be released by the trial Court on

interim bail on furnishing of bail bonds by the petitioner to its satisfaction.

Respondents No.2 to 4 are directed to appear before the trial Court/Illaq Magistrate on 19.11.2019 for recording of their statements with regard to voluntary nature/genuineness of compromise/settlement on that date or some other date convenient to the trial Court/Illaq Magistrate. Trial Court/Illaq Magistrate is directed to submit a report to this Court before the next date of hearing containing the following information :-

- 1. Number of persons arrayed as accused in FIR and status of case regarding each of them.*
- 2. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 3. Whether the accused is involved in any other case or not.*

The trial Court/Illaq Magistrate 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, Judicial Magistrate Ist Class, Jalandhar has recorded the statements of both the parties and submitted report dated 26.11.2019. The operative part of the same reads as under:-

“As per the statements of the parties, one criminal case vide FIR No. 94 dated 16.05.2009 under Section 326/452/324/148/149 IPC PS Adampur, Jalandhar has been registered against accused Ravi Kumar @ Ravi and other accused Navdeep Singh @ Nav, Karamjit Singh, Chetan Pal Singh @ Chetan, Naresh @ Sonu and Tarsem Lal. Challan has been presented in this case. Accused Ravi Kumar @ Ravi was PO in this case and he has not been declared PO in any other case. The matter has already been compromised between the parties as per the agreement Ex CI. Parties have compromised the matter without any pressure, threat or due influence and with the sweet will and free consent of the parties. There is no other accused persons arrayed in the present FIR except Ravi Kumar @ Ravi and other accused Navdeep Singh @ Nav, Karamjit Singh, Chetan Pal Singh @ Chetan, Naresh @ Sonu and Tarsem Lal. There is no other effected/aggrieved party in this case except the parties mentioned in compromise Ex.CI. None of the accused has been involved in any other case. Copy of attested identity

proof of the parties are Ex.C2 to Ex.C4 and Ex.C5 respectively.

As per the statement of IO retired INSP Saroop Singh FIR No. 94 dated 16.05.2009 under Section 326,452,324,148,149 of IPC PS Adampur Jalandhar has been registered against Ravi Kumar, Navdeep Singh, Karamjit Singh, Chetan Pal Singh, Naresh and Tarsem Lal on the statement of complainant Surjit Singh s/o Malkit Singh, R/o Village Madar, District Jalandhar. He further stated in his statement that he was the investigating officer in the present case. As per the statement of IO of the case, there was two other victims namely Paramjit Singh and Tarsem Lal s/o Daulat Ram besides complainant in the present case. The copy of the original Adhar Card is Ex.CA.”

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 qua the petitioner 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 **Kulwinder Singh and others Vs. State of Punjab and others (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 offences involved in the present case are overwhelmingly and predominantly private in nature. On trial the other accused were acquitted by Judicial Magistrate Ist Class vide judgment dated 12.12.2012 passed in **Case No. 503042002009 titled State Vs. Navdeep Singh @ Nav and others.** The petitioner being abroad was declared proclaimed offender. The parties have now entered into the compromise and resolved their entire dispute among themselves.

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 him if the FIR and the P.O. Order dated 01.02.2012 passed by Judicial Magistrate Ist Class, Jalandhar and all consequential proceedings arising therefrom are not quashed qua the petitioner. Therefore, FIR No.94 dated 16.05.2009 registered under Sections 326, 452, 324, 148 read with Section 149 of the IPC at Police Station Adampur, District Jalandhar and the P.O order dated 01.02.2012 passed by

Judicial Magistrate Ist Class, Jalandhar and all consequential proceedings arising therefrom are quashed qua the petitioner.

The petition is allowed accordingly.

11.12.2019

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No