

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

261

CRM-M-49300 of 2019

Date of Decision:-16.12.2019

Gurdit Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ranjodh Singh Sidhu, Advocate
for the petitioners.

Mr. Arun Kaundal, DAG, Punjab
for respondent No. 1-State.

Mr. D.K.Sharma, Advocate
for respondent No. 2.

ARUN KUMAR TYAGI,J. (ORAL)

The petitioners-**Gurdit Singh, Namanjit Singh** and **Narinderjit Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.) for quashing FIR No. 100 dated 11.08.2018 registered under Sections 452, 323, 324 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Jhabal, District Tarn Taran (**Annexure-P1**) and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 30.08.2019 (**Annexure-P2**) of respondent No.2 **Harjinder Kaur**.

The above said FIR was lodged by respondent No.2 **Harjinder Kaur** w/o Sukhdev Singh resident of village Thathgarh, District Tarn Taran stating that she is residing outside the village in fields alongwith her family. Her husband and Gurdit Singh are two

brothers and her elder brother in law (*jeth*) Gurdit Singh is residing alongwith his family in his fields about 200 yards away. They installed one electricity transformer near their residence on their own expenditure. Gurdit Singh had applied for electricity connection and on getting the connection, he started receiving the supply from their transformer forcibly. On 19.04.2017 at about 4 PM. they stopped him from doing so by saying that they installed the transformer on their own expenses and supply load is sufficient only for them, asked him to link the wire from back point and went to their house. After some time Gurdit Singh armed with daang trespassed into their residential area, alongwith both his empty handed sons Namanjit Singh and Narinderjit Singh who raised lalkara asking Gurdit Singh to give a daang blow upon her head and teach her lesson for not allowing them to instal electricity meter. Thereupon Gurdit Singh gave a blow with daang on her head and blood started coming from her head and she fell on the ground. On hearing her noise her husband, who was working in the fields, reached there and on seeing him the accused ran away from the spot.

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.

Vide order dated 20.11.2019 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 16.12.2019.

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. D.K. Sharma, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 and admits the factum of compromise.

Copies of the paper book have been supplied to the learned counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 25.11.2019 or any other date convenient to the Court 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. Current stage of the case.

The trial Court is further 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 also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

In compliance with aforesaid order, Additional Chief Judicial Magistrate, Tarn Taran has recorded the statements of the parties and submitted report dated 05.12.2019. The operative part of the same reads as under:-

“Accordingly, statement of complainant has been recorded, wherein she stated that she has voluntarily compromised the matter with the accused without any pressure or coercion and stated that she has no objection if the FIR above said as well as the proceedings arising therefrom are quashed and accused be acquitted/discharged from the present case. Similarly, a joint statement of accused (petitioners before the Hon'ble High Court) has also been recorded, wherein they stated that they have heard the statements of the complainant and now they have voluntarily

compromised the matter with the complainant, with their free and sweet will and without any pressure or coercion. FIR No. 100 dated 11.08.2018 under Sections 452, 323, 324, 506, 34 of the IPC registered at Police Station Jhabal, District Tarn Taran got registered by complainant against them, may kindly be quashed.

ASI Surinder Singh No. 661/TT posted at Police Station Jhabal, District Tarn Taran has also appeared before me on 03.12.2019 and his statement has been recorded regarding PO proceedings in this case FIR, wherein he has stated that there are three accused in the present case/FIR and none of them is declared proclaimed offender by any of the Court. It is further submitted that all accused persons are on bail and appearing before the Trial Court. It is further submitted that there is no other victim/complainant as well as accused person except them in this case/FIR and none of the accused persons are involved in any other case or FIR. It is further submitted that challan of the present case is yet to be presented in the Court.

It is further submitted that from the above statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner and there is no PO proceedings pending against the accused persons.

The report with regard to compromise on the basis of statements of the parties recorded separately, as directed by the Hon'ble High Court, is accordingly being submitted, for kind perusal."

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 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 (Supreme Court): 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019(2) RCR (Criminal) 255.**

The offences involved in the present case are overwhelmingly and predominantly private in nature and have arisen out of a family dispute. 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 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 FIR and all consequential proceedings are not quashed. Therefore, FIR No.100 dated 11.08.2018 registered under Sections 452, 323, 324 and 506 read with Section 34 of the IPC at Police Station Jhabal, District Tarn Taran is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

16.12.2019

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No