

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

265

**CRM-M-1516-2020
Date of decision: 11.02.2020**

Hardeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab
for respondent No. 1

None for respondent No. 2

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Hardeep Singh, Kanwaljeet Singh @ Rana, Harpreet Singh @ Bhapp, Gagandeep Singh @ Gagan Doctor, Navpreet Singh @ Sona, Jaskaran Singh and Yudhvir Singh @ Jajj have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.12 dated 04.02.2007 registered under Sections 452, 427, 356, 148 and 149 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station Khalra, District Tarn Taran (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-2**) effected with respondent No.2 **Ranjit Singh @ Ajit Singh**.

Briefly stated, the above said FIR has been registered on statement of respondent No.2-Ranjit Singh @ Ajit Singh on the allegations that his father has one brother and his uncle is married, their families are residing in their houses constructed in the fields. Land of

Hardeep Singh is adjacent to their land. Hardeep Singh had caused damage to their wheat crop by giving water and on asking about the same from him, Hardeep Singh had altercation with him. Thereafter, Hardeep Singh armed with kirpan, Kanwaljit Singh armed with lathi, Harpreet Singh @ Bhapp and Sona sons of Gurdeep Singh armed with dang, Gagan Doctor empty handed, Jaskaran Singh armed with dang and Jajj armed with iron rod alongwith three unidentified persons forcefully entered into their house while giving abuses. His grandfather and paternal uncle were away from home while his mother was standing outside the house and was talking with somebody whereas his paternal aunt and his wife were present at home and after hearing the noise both of them ran inside and locked the room from inside. He (Ranjit Singh @ Ajit Singh) also hid himself in the darkness and he was watching them. Hardeep Singh hit the kirpan on the door of his house and raised lalkara and asked him (Ranjit Singh @ Ajit Singh) to come out of the house and then they will teach him a lesson. All the remaining persons caused damage by hitting at the doors and windows of the house. He (Ranjit Singh @ Ajit Singh) and his mother raised alarm. When his mother went near the gate of his house all the accused persons started to run away from the spot and Hardeep Singh came near his mother and snatched the gold chain which she was wearing around her neck. The accused persons threatened to kill him (Ranjit Singh @ Ajit Singh) and his family members and left the spot with their respective weapons.

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 differences.

This Court, while issuing notice of motion on 20.01.2019, passed the following order:-

“The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 12 dated 04.02.2007 registered under Sections 452, 427, 356, 148 read with Section 149 of the Indian Penal Code, 1860 at Police Station Khalra, District Tarn Taran and all subsequent proceedings arising out therefrom on the basis of compromise dated 02.01.2020 (Annexure P-2).

Notice of motion.

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 learned State Counsel, who seeks time to complete his instructions.

At this stage, Mr. Mayank Gupta, Advocate has appeared and filed power of attorney of Mr. Sandeep Godara, Advocate on behalf of respondent No.2, which is taken on record. Learned Counsel appearing for the complainant has admitted the factum of compromise. Copy of the paper book has been supplied to the learned Counsel for respondent No. 2.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 03.02.2020 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 i.e. 11.02.2020 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.

Respondent No. 1- State of Punjab is also directed to file reply/status report regarding investigation carried out till date on the basis of the above said FIR.

In compliance with the above said order, learned Sub Divisional Judicial Magistrate, Patti has recorded the statements of both the parties and submitted report dated 06.02.2020. The relevant part of the same reads as under:-

“it is most respectfully submitted that petitioners Hardeep Singh, Kanwaljeet Singh @ Rana, Harpreet Singh @ Bhapp, Gagandeep Singh @ Gagan Doctor, Navpreet Singh @ Sona, Jaskaran Singh and Yudhvair Singh @ Jajj appeared before the undersigned for their statements with regard to compromise on 03.02.2020 and got their joint statement recorded to the effect that they have in to compromise with complainant Ranjit Singh @ Ajit Singh out of their own sweet will and without any pressure or coercion. They further requested that FIR registered against them be quashed. Respondent No. 2 Ranjit Singh @ Ajit Singh also appeared on 03.02.2020 and got recorded his statement to the effect that he has entered in to compromise with all the accused out of his own sweet will and without any pressure or coercion. He also stated that he has no objection if FIR is quashed. From the statements of the parties, this Court is satisfied that the compromise between the parties has been genuine, voluntary and without any coercion or undue influence. ”

In compliance to order dated 20.01.2020, statement of Investigating Officer ASI Hardeep Singh No. 1765/T.T. was also recorded. As per his statement, there are total of seven accused in FIR in question namely Hardeep Singh, Kanwaljeet Singh @ Rana, Harpreet Singh @ Bhapp, Gagandeep Singh @ Gagan Doctor, Navpreet Singh @ Sona, Jaskaran Singh and Yudhvair Singh @ Jajj and all the accused are petitioners before the Hon'ble Punjab and Haryana High Court. None of the accused has been declared proclaimed offender till date and no other criminal case is pending against any of the accused. Present case is at the stage of investigation and challan is yet to be presented in the Court. ASI Hardeep Singh also stated that complaint was lodged by Ranjit Singh @ Ajit Singh with the police and as per contents of FIR one gold chain weighing one tola was allegedly snatched by the accused from Sarabjit Kaur. However, later on during investigation, Ranjit Singh @ Ajit Singh got recorded his statement that they have found said gold chain in next

morning. Thus, as per contents of FIR, there were two victims/complainants i.e. Ranjit Singh @ Ajit Singh and Sarabjit Kaur. ”

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.

I have heard learned Counsel for the petitioners, learned State Counsel and gone through the relevant record.

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 the petitioners if the FIR and all consequential proceedings are not quashed. Therefore, FIR No.12 dated 04.02.2007 registered under Sections 452, 427, 356, 148 and 149 of the the IPC at Police Station Khalra, District Tarn Taran (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

11.02.2020

Rajeev/kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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