

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

269

CRM-M-2550-2020

Date of decision: 12.02.2020

Akashdeep and another	Versus	Petitioners
State of Punjab and another		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Impinder Singh Dhaliwal, Advocate
for the petitioners.

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

Mr. Arjinder Singh Sidhu, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Akashdeep and Raj Kumar have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of FIR No.0001 dated 01.01.2020 registered under Sections 452 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Muktsar, District Sri Muktsar Sahib (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 09.01.2020 effected with complainant-Navdeep Kumar.

The above said FIR was registered on the statement of Navdeep Kumar who alleged that on 01.01.2020 at about 3.15 PM when he was present in his shop accused Akashdeep, Raj Kumar and one unknown person came on one bullet motorcycle and one Mahindra Pickup and gave beating to him and threatened to kidnap and kill him. He was rescued by his companions and friends. On seeing their illegal acts the shop keepers in the neighbourhood started gathering there on

which the accused fled 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 differences.

Vide order dated 21.01.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 27.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before the next date of hearing i.e. on 12.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Chief Judicial Magistrate, Sri Muktsar Sahib has recorded the statements of both the parties and submitted report dated 03.02.2020. The relevant part of the same reads as under:-

"..... In compliance of orders dated 21.01.2020 the parties have come present before the undersigned and their statements were recorded. Complainant Navdeep Kumar son of Dharam Pal, resident of House no. 7236-A, Old Income Tax Wali Gali, Bathinda Road, Sri Muktsar Sahib has suffered the statement that FIR No. 0001, dated 01.01.2020, under Sections 452, 506, 34 of IPC was registered against Akashdeep and Raj Kumar on his statement. He has further stated that now he has compromised the matter with the intervention of the respectables amicably. He has further stated that the compromise is genuine and has been effected voluntarily, without any coercion, fraud or misrepresentation and with the free will of the parties and he has no objection if the FIR No. 0001 dated 01.01.2020, under Sections 452, 506, 34 of IPC, P.S City, Sri Muktsar Sahib be quashed. He has further stated that he got the FIR registered against Akashdeep and Raj Kumar and one unidentified person however the unidentified person could not be traced. He has further stated that he has no objection if the FIR

against the accused is quashed.

Both the petitioners/accused Akashdeep son of Raj Kumar and Raj Kumar son of Harbans Lal, resident of Street no. 4, Abohar Road, Sri Muktsar Sahib have suffered the joint statement that FIR No. 0001, dated 01.01.2020, under Sections 452, 506, 34 of IPC was registered against them on the statement of Navdeep Kumar. They have further stated that now the matter has been compromised with the intervention of the respctables amicably. They have also stated that the compromise has been effected voluntarily, without any coercion, fraud or misrepresentation and with the free will of the parties. They have further stated that the FIR No.0001, dated 01.01.2020, under Sections 452, 506, 34 of IPC and consequent proceedings be quashed. They have further stated that they along with one unidentified person were arrayed as accused in the present case however the unidentified person could not be traced. They have further stated that except the present FIR no criminal proceedings is pending against them and they have not been declared proclaimed offender in any other case.

The undersigned has carefully gone through the statements got recorded by the complainant and accused. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

It is further humbly submitted that this Court was further directed to give the report with regard to the number of persons arrayed as the accused in the FIR, whether any of the accused as a proclaimed offender, whether the accused person were involved in any other case or not and status of the trial/proceedings. It is humbly submitted that in this regard the statement of ASI Harjeet Singh, no.385/SMS posted as PS City Sri Muktsar Sahib was recorded. ASI Harjeet Singh has stated that he is the Investigation Officer of the case FIR No.0001, dated 01.01.2020, under Sections 452, 506, 34 of IPC. He has further stated that the case was registered on the statement of Navdeep Kumar son of Dharampal Sachdeva. He has further stated that the present case was got registered against Akashdeep son of Raj Kumar and Raj Kumar son of Harbans Lal and unidentified person. He has further stated that the said unidentified person has not yet been traced. He has further stated that accused Akashdeep and Raj Kumar are not proclaimed offender in this case. He has further stated that as per the record available in the

Police Station no criminal proceedings except this case is pending against Akashdeep and Raj Kumar. He has further stated that in the present case, the final report has not yet been presented and the investigation is still going on.

From the statement suffered by ASI Harjeet Singh who is the Investigating officer of the present case it is found that the complainant lodged the FIR against the only accused Akashdeep and Raj Kumar have been named as accused in the FIR. The FIR has been registered against one unidentified person who has not yet been traced. As per the version given by ASI Harjeet Singh, accused have not been declared proclaimed offenders in the present case. Further from the statement suffered by ASI Harjeet Singh, it is found that the final report has not yet been presented and investigation is still under process in the aforesaid case FIR.....”

No reply to the petition has been filed on behalf of the respondent No. 1- State.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for respondent No.2 and gone through the relevant record.

A perusal of the report of learned Chief Judicial Magistrate, Sri Muktsar Sahib 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 ***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 present case is overwhelmingly and predominantly of private/personal 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. 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.0001 dated 01.01.2020 registered under Sections 452 and 506 read with Section 34 of the IPC at Police Station City Muktsar, District Sri Muktsar Sahib (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

12.02.2020

rajeev(rvs)

(ARUN KUMAR TYAGI)
JUDGE

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