

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

283

CRM-M-3054-2020

Date of decision: 05.03.2020

Sumit and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjay Verma, Advocate
for the petitioners.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for respondent No.1.

Mr. Mumtaz Ali Rehman, Advocate for
Mr. Gopal Krishan Bhattt, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-**Sumit, Vinod Kumar, Rajesh Kumar, Ankush, Lavish, Shivam and Mahender Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.327 dated 29.10.2019 registered under Sections 148, 149, 323, 452 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Kunjpura, District Karnal (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 14.01.2020 (**Annexure P-2**) effected with respondent No.2-**Pawan Kumar**.

The above said FIR was registered on complaint made by Pawan Kumar to SHO Police Station Kunjpura, District Karnal. In the complaint Pawan Kumar alleged that on 29.10.2019, when he went to roof of his house to check the water tank, accused Vinod Kumar,

Rajesh Kumar, Mahender, Ankush, Sumit, Lavish and Shivam, who were armed with *lathis* and *dandas* with prior consultation trespassed to the roof of his house and gave beatings to him. Accused Sumit and Mahender gave *danda* blows on his head on which he fell down. Thereafter all of them gave *danda* blows, slaps and fist blows to him. When he shouted, his wife Santosh and daughter Amita came to the spot saw him being beaten and made a video clip and also raised alarm. On seeing other persons coming there, the accused ran away with their respective weapons but while going away threatened to kill him and his family members in future.

The petitioners have filed the present petition for quashing of the FIR on the grounds that now, the matter has been amicably compromised between the parties and they have resolved their differences.

Vide order dated 23.01.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 29.01.2020 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 17.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of both the parties and submitted report dated 10.02.2020. The relevant part of the same reads as under:-

"I have the honour to submit that in compliance of order dated 23.01.2020 passed by Hon'ble High Court in

CRM-M-3054-2020 titled Sumit and others Vs. State of Haryana & others, separate statement of the applicant namely 1) Sumit, 2) Vinod, 3) Rajesh 4) Ankush, 5) Minor Lavish through his guardian mother Suman, 6) Shivam, 7) Mahender Singh as well as respondent namely 1) Pawan Kumar compromise recorded on 30.01.2020 . The parties are duly identified by their respective counsels. The parties have stated that they have compromised the matter, voluntarily and without any pressure, from any corner. The parties got recorded their statement voluntarily in open Court and the compromise is genuine, without any pressure or undue influence. The para wise information sought by the Hon'ble High Court is as follows:-

1. Both the parties got recorded their unconditional statements voluntarily in open Court, without any pressure or undue influences.

2. The compromise effected between the parties (persons above said) is genuine and valid."

Learned State counsel filed reply on behalf of respondent No.1-State by way of affidavit of Jagdeep Singh, HPS, Deputy Superintendent of Police, Karnal-II mentioning that no compromise was submitted with the police and on completion of investigation charge sheet against Vinod, Rajesh Kumar, Ankush, Shivam, Mahender and Sumit was filed before Illaqa Magistrate, Karnal and report against juvenile Lavish was filed before the Juvenile Justice Board, Karnal.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondent No.2 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.***

A perusal of the report of learned Judicial Magistrate 1st Class, Karnal 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.

The offences involved in the present case are 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. The compromise will restore cordial relations between the parties and contribute to peace and harmony in the society. 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.327 dated 29.10.2019 registered under Sections 148, 149, 323, 452 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Kunjpura, District Karnal (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

05.03.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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