

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

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CRM-M-32160-2020

Date of decision: 17.11.2020

Ram Chand	Versus	Petitioner
State of Punjab and others		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sukhdeep Singh, Advocate
for the petitioner.

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

Mr. Pulkit Jain, Advocate
for respondents No.2 and 3.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner-**Ram Chand** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.22 dated 28.02.2020 registered under Sections 340, 363 and 365 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Kheri Gandain, District Patiala (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise dated 11.03.2020 (**Annexure P-2**) effected with respondents No.2 and 3- **Darshan Singh and Leelu Ram**.

The above said FIR was registered on statement of respondent No.2-Darshan Singh who alleged that they are five brothers and sisters and one of his brother namely Leelu Ram is of feeble mind who left home on 01.07.2011. His brother Balwinder Singh lodged missing report in Police Station Kheri Gandian on 14.07.2011. On 27.02.2020 at about 04:30 P.M.,Tarsem Singh of his village showed

him a facebook video on his mobile phone on which he had conversation with Satpal Singh, President of Apna Farz Seva Society, Village Lachkanni, Police Station Bakhshiwla, District Patiala. Thereupon, he along with his family members went to the said Society where they were reunited with his brother Leelu Ram. Satpal Singh disclosed to them that they brought Leelu Ram to their Society from Village Lalila, Police Station Sanaur, District Patiala by making enquiries on photographs and videos of Leelu Ram sent to them by some resident of that village. On 28.02.2020, Satpal brought Leelu Ram to their house at Village Bhadak and told them that Leelu Ram had been wrongfully confined by Ram Chand (the petitioner) who used to take work from him by threatening and coercing him.

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 differences.

Vide order dated 12.10.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 30.10.2020 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 its report regarding the genuineness and voluntary nature of the compromise by 17.11.2020.

In compliance of the above said order, learned Judicial Magistrate 1st Class, Rajpura, District Patiala has recorded the statements of both the parties and submitted report dated 05.11.2020.

The relevant part of the same reads as under:-

*"It is humbly submitted that on the subject cited above, complainants Darshan Singh and Leelu Ram both sons of Shadi Ram, resident of Village Bhadak, P.S. Kheri Gandian, Tehsil Rajpura, Distt. Patiala appeared in the Court of undersigned on 30.10.2019 (sic 30.10.2020) in compliance to the above said order of the Hon'ble High Court passed in CRM-M-32160 of 2020 in the case titled as **'Ram Chand Vs. State of Punjab and Ors.** They got recorded their statements in compliance to the above said order. Accused Ram Chand son of Mam Raj, resident of village Lalina, District Patiala suffered separate statement to the effect that the matter has been compromised with complainants Darshan Singh and Leelu Ram both sons of Shadi Ram, resident of Village Bhadak, P.S. Kheri Gandian, Tehsil Rajpura, Distt. Patiala. Similarly, complainants Darshan Singh and Leelu Ram both sons of Shadi Ram, resident of Village Bhadak, P.S. Kheri Gandian, Tehsil Rajpura, Distt. Patiala have also suffered statement that they have compromised the matter with the accused. They have no grudge against the accused. The Compromise is voluntarily, without any pressure or coercion. Complainants and accused are identified by their respective counsels.*

The undersigned has inquired from the accused and complainants that if the compromise is with their will, to which they replied in affirmative. The compromise effected between the complainants and accused is voluntarily, without any pressure or coercion and is genuine one. Apart from genuineness of the compromise, the Hon'ble Punjab and Haryana High Court has sought information regarding the following points:

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntarily and without any coercion or undue influence.*

4. *Whether the accused person are involved in any other case or not.*
5. *Current stage of the case.*

In this regard Investigating Officer ASI Gurmeet Singh, 2336/PTA, P.S. Kheri Gandian was called by this Court and he suffered a statement that except the above said accused no any other person is involved in the present case. None of the accused has been declared proclaimed offender in the present case. As per police record accused Ram Chand has not been found involved in any other criminal activity. The present case being investigated by the police. There is only one complainant namely Darshan Singh and one victim namely Leelu Ram in this case and there is no any other victim in the present case."

Respondent No.1-State did not file any reply to the petition despite opportunity having been granted for this purpose.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondents No.2 and 3 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 ***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.***

A perusal of the report of learned Judicial Magistrate 1st Class, Rajpura, District Patiala 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 and do not have any social impact. 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 petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above discussion, the petition is allowed and FIR No.22 dated 28.02.2020 registered under Sections 340, 363 and 365 of the IPC at Police Station Kheri Gandain, District Patiala (**Annexure P-1**) is quashed with all consequential proceedings arising therefrom.

17.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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