

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

222

**CRM-M-25635-2020
Date of decision: 02.11.2020**

Beant Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

Mr. N.K. Banka, DAG, Punjab
for the respondent No.1-State.

Sh. Kulwinder Singh, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner- **Beant Singh** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 288 dated 23.05.2020 registered under Sections 498-A and 406 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Barnala, District Barnala (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 28.07.2020 (**Annexure P-2**) effected with respondent No.2-**Maninder Kaur**.

The above said FIR was registered on written complaint submitted by respondent No.2 Maninder Kaur to Senior Superintendent of Police, Barnala against accused Beant Singh-husband (the petitioner), Baldev Singh father-in-law, Sinder Kaur mother-in-law and Rani Kaur sister in-law. In her complaint respondent No.2 Maninder

Kaur alleged that her marriage was solemnized with the petitioner on 29.03.2015 at Grewal Palace, Barnala. Her parents had given sufficient dowry which was entrusted to the petitioner and his family members. The petitioner and his family members treated the complainant respondent No.2 with cruelty for not meeting their dowry demands and misappropriated dowry articles entrusted to them. On the basis of the above said complaint, the enquiry was conducted by the Superintendent of Police (Detective) Barnala who recommended registration of FIR against the petitioner.

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 29.09.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate within two weeks 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 02.11.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Chief Judicial Magistrate, Barnala has recorded the statements of both the parties and submitted report dated 21.10.2020. The relevant part of the same reads as under:-

".....complainant Maninder Kaur and accused Beant Singh appeared in the court on 13.10.2020 and got recorded their statements to the effect that they have

compromised the matter with the intervention of respectables without any pressure or coercion. The complainant Maninder Kaur made the statement that she has no objection in case FIR no.288 dated 23.05.2020, under Section 498-A, 406 of IPC, PS City Barnala is quashed.

Statement of ASI Harwinder Singh has also been recorded who stated that one person Beant Singh was arrayed as accused in the FIR and that no accused is proclaimed offender in this case and proclamation proceedings are not pending against anyone in this case. He stated that except for complainant Maninder Kaur, there is no other complainant or affected/aggrieved party in this FIR. He stated that presently no proceedings are pending in the said case in the court. He stated that no other criminal proceedings are pending against the accused. (Statement of IO ASI Harwinder Singh no.487/BNL recorded and attached with the report).

This court, after going through the statements recorded in the court, is of the opinion that the compromise effected between the complainant Maninder Kaur & accused Beant Singh is genuine, without any pressure and coercion or undue influence. The statements recorded by the parties are enclosed herewith."

Respondent No.1-State has filed reply by way of affidavit of Lakhvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala that cancellation report has been prepared in the case.

I have heard learned counsel for the petitioner and 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.***

A perusal of the report of Chief Judicial Magistrate, Barnala 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. 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 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.

Accordingly, FIR No. 288 dated 23.05.2020 registered under Sections 498-A and 406 of the IPC at Police Station City Barnala, District Barnala (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

02.11.2020

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(ARUN KUMAR TYAGI)
JUDGE

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