

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

227

**CRM-M-27886-2020
Date of decision: 02.11.2020**

Jagsir Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. N.S. Dandiwala, Advocate
for the petitioner.

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

Mr. Kuldeep Singh Saini, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners- **Jagsir Singh, Jagjit Kaur, Gurjit Singh and Harjit Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.13 dated 06.03.2020 registered under Sections 420, 406, 454, 447, 380 and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Mehna, District Moga (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 18.05.2020 (**Annexure P-2**) effected with respondent No.2- **Omkar Singh alias Onkar Singh**.

The above said FIR was registered on written complaint made by respondent No.2-Omkar Singh alias Onkar Singh to Deputy Commissioner, Moga against accused Jagsir Singh, Gurjeet Singh, Harjit Singh, Ranjit Singh and Jagjit Kaur. In the complaint Omkar Singh Gill alleged that his father and uncle owned 120 acres of land out

of which 60 acres of land fell in the share of his father. His uncle got the said land forcibly transferred in their names. The above said persons had taken forcible possession of 9 ½ acres land of his share which had been transferred in his name. The above said persons threatened to eliminate him if he did not transfer the house and land in their name and are stopping him from entering in his house and are enticing his father to transfer the land which is standing in his (complainant's) share in their name to them. The complainant accordingly requested to allow the petitioner to harvest the paddy crop and dispossess the accused persons.

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 15.09.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 24.09.2020 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 02.11.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate, First Class, Moga has recorded the statements of both the parties and submitted report dated 29.09.2020. The relevant part of the same reads as under:-

".....it is humbly submitted that on 24.09.2020, petitioners Jagsir Singh, Jagjit Kaur, Gurjit Singh and Harjit Singh through their counsel Sh.Kuldeep Singh Gill,

Advocate, respondent Omkar Singh alias Onkar Singh through his counsel Ms. Daljit Kaur, Advocate have appeared through Virtual Court. Joint statements of the petitioners as well as that of respondent were recorded. Through the same, the parties stated that in unison that they had voluntarily entered into a compromise and that they were making statement in the Court voluntarily, free from any duress or inducement.

As desired by the Hon'ble High Court the point wise report is submitted below:-

- 1. In this case total 4 persons were arrayed as accused who are Petitioners in the present petition.*
- 2. No accused person has been declared as Proclaimed Offender in this case.*
- 3. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*
- 4. As per the statements of accused persons they are not involved in any other case.*
- 5. Now the case is fixed for framing of Charge.*

As per the statement of Investigating Officer S.I. Tajinder Singh No.411/Moga, there is only one victim/complainant namely Omkar Singh alias Onkar Singh, who is Respondent No.2 in the present case.”

The respondent No.-1-State has not filed any reply to the petition despite opportunity granted for this purpose.

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 Judicial Magistrate First Class, Moga 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 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.

Accordingly, FIR No. 13 dated 06.03.2020 registered under Sections 420, 406, 454, 447, 380 and 120-B of the IPC at Police Station Mehna, District Moga (**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