

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

221

CRM-M-27839-2020

Date of decision : 30.10.2020

Mangal Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rahul Bhargava, Advocate
for the petitioners.

Mr. Ramdeep Partap, DAG, Punjab
for respondent No.1-State.

Ms. Arti Kaur, Advocate
for respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Mangal Singh** and **Kiran Kaur** have filed the present petition under Section 482 of the the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of FIR No.117 dated 06.05.2020 registered under Sections 380 and 328 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Gate Hakima, District Amritsar (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise effected with respondent No.2-**Jatinder Singh**.

The above-said FIR was registered on statement of respondent No.2-Jatinder Singh. In his statement Jatinder Singh alleged that his marriage was solemnized with Kiranpreet Kaur @ Kiran on 26.03.2020 as per Sikh rites with consent of relatives of both the parties

but when she came to his house she told him that she had an affair with Mangal Singh @ Manga for the last two years and she wanted to marry Mangal Singh @ Manga but her family forcibly solemnized her marriage with him. On 02.05.2020, she served dinner with some intoxicating substance to him and all his family members, took jewellery and cash mentioned in his statement with her and in the midnight eloped with Mangal Singh @ Manga.

The petitioners have filed the present petition for quashing of the FIR on the grounds that the above-said FIR was got registered due to some misunderstanding which has been removed now and the matter has been amicably settled between the parties.

Vide order dated 15.09.2020 this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 23.09.2020 for recording of their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report on or before the next date of hearing i.e. on 30.10.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of both the parties and submitted report dated 20.10.2020. The relevant part of the same reads as under:-

“I have the honour to submit that I have gone through the statements given by the complainant and posed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure or coercion of anyone. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your good-self the report is as under:-

- 1) *The number of persons arrayed as accused in the present FIR are two.*
- 2) *As per report the statement of Police Official-ASI Ram Pal recorded separately, no accused is declared as PO in present case.*
- 3) *The compromise is genuine and without any pressure or undue influence of the parties.”*

The State has not filed any reply to the petition despite grant of opportunity in this regard.

I have heard learned Counsel for the petitioner, 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 ***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 Judicial Magistrate Ist Class, Amritsar 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 FIR along with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties.

The offences involved in the present case are overwhelmingly and predominantly of private character. The parties have resolved their entire dispute. The compromise has been arrived at between the parties at the initial stage. The compromise will also 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.

In view of the above, the petition is allowed and FIR

No.117 dated 06.05.2020 registered under Sections 380 and 328 read with Section 34 of the IPC in Police Station Gate Hakima, District Amritsar (**Annexure P-1**) is quashed with all consequential proceedings arising therefrom.

30.10.2020

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(ARUN KUMAR TYAGI)
JUDGE

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