

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

225

**CRM-M-27850-2020
Date of decision: 02.11.2020**

Bhagta and another

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Imran Farooqi, Advocate
for the petitioners.

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

Mr. Karan Singh Rana, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners- **Bhagta and Antu Ram** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 109 dated 30.05.2020 registered under Sections 379-B, 511 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Ahmedgarh, District Sangrur (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 25.06.2020 (**Annexure P-2**) effected with respondent No.2- Amit Kumar.

The above said FIR was registered on written complaint of respondent No.2 Amit Kumar. In his complaint Amit Kumar alleged that on 30.05.2020 at about 7:00 p.m. two unknown persons came on motorcycle to his wine shop, abused him and tried to loot cash from the cash counter. When he raised alarm they fled from the spot.

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 25.09.2020 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, Malerkotla has recorded the statements of both the parties and submitted report dated 01.10.2020. The relevant part of the same reads as under:-

"2. Both the parties along with their respective counsels appeared in the court and stated that they had compromised the matter and further prayed for recording their statements with regard to the compromise. As per directions given by the Hon'ble Punjab and Haryana High Court, statements of the parties have been recorded in case bearing FIR no.109 dated 30.05.2020 U/s 379-B and 511 read with Section 34 of IPC registered with Police Station Sadar Ahmedgarh District Sangrur.

3. After going through the statements of the parties and on asking the parties, it is crystallized that the compromise has been arrived at genuinely and is made voluntarily without any pressure or coercion.

4. Affected persons: Amit Kumar Salesman son of Harbans Parshad r/o Mohalla Tubewell Colony Malerkotla is complainant in the said FIR, whereas, two

persons namely Bhagta son of Khushia r/o Ward No.6 Jogi Basti, Dhuri, District Sangrur and Antu Ram son of Jagri Nathy r/o Gandhi Nagar, Ward No.8 Bhawanigarh, District Sangrur have been arrayed as accused in the above mentioned FIR.

5. *As per statement of Investigating Officer ASI Jasvir Singh, in the present FIR two persons namely Bhagta son of Khushia, r/o Ward No.6 Jogi Basti, Dhuri, District Sangrur and Antu Ram son of Jagri Nath r/o Gandhi Nagar, Ward No.8 Bhawanigarh, District Sangrur have been arrayed as accused, on the statement of complainant/victim Amit Kumar Salesman son of Harbans Parshad r/o Mohalla Tubewell Colony Malerkotla. Further as per the statement of Investigating Officer, no accused has been declared as proclaimed offender in the present FIR and none of the accused of present FIR is involved in any other case. As per record in hand, present case is pending at the stage of awaiting challan."*

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.

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, Malerkotla 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.

In view of the above discussion, the petition is allowed and FIR No.109 dated 30.05.2020 registered under Sections 379-B and 511 read with Section 34 of the IPC at Police Station Ahmedgarh, District Sangrur (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

02.11.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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