

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

267

CRM-M-28887-2019

Date of decision: 27.01.2020

Sandeep Singh and others	Versus	Petitioners
State of Punjab and others		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for respondent No.1.

Ms. Reena, Advocate
for respondents No.2 to 5.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Sandeep Singh, Gurpartap Singh, Harpreet Singh @ Rajan, Kulwinder Singh, Ranjit Singh @ Rana, Manjit Singh, Sukhwinder Singh @ Sadhu @ Kaka, Lovepreet Singh and Rajan Singh have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.39 dated 03.09.2018 registered under Sections 452, 427, 323, 324, 148 and 149 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station Mattewal, District Amritsar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 02.04.2019 (**Annexure P-2**) effected with respondents No.2 to 5- Gurpreet Singh, Joga Singh, Sukhwinder Singh @ Baghi and Hansa Singh.

The above said FIR was registered on statement of respondent No.2/complainant-Gurpreet Singh who alleged that on 01.09.2018 when he came out of his house in the street on hearing some

noise, he saw that Sandeep Singh and Gurpartap Singh armed with *Dattars*, Harpreet Singh @ Rajan, Ranjit Singh @ Rana, Manjit Singh and Sadhu @ Kaka armed with baseball bats, Kulwinder Singh armed with *kirpan* and Rajan Singh @ Bhundi armed with handle of spade (*Kahi*) while raising noise and *lalkara*, chased him and his uncle Joga Singh, trespassed into the house of his uncle Sukhwinder Singh @ Baghi and Gurpartap Singh caused injuries to Joga Singh, Rajan Singh @ Bhundi and Ranjit Singh caused injuries to Hansa Singh and Sandeep Singh and Kulwinder Singh caused injuries to him as mentioned in detail therein and Harpreet Singh @ Rajan, Manjit Singh, Sadhu @ Kaka and Lovepreet Singh @ Lovely caused damage to chairs lying in the house, door of the bed room, wash basin and glass of the house. When Lakhwinder Singh Ex-Member Panchayat, Jaspal Singh and Manjinder Singh reached the spot, the assailants ran away with their respective weapons.

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.

The Coordinate Bench of this Court, while issuing notice of motion on 10.07.2019, directed the parties to appear before the Illaqa Magistrate/trial Court on 17.9.2019 for recording their statements qua compromise and directed the Illaqa Magistrate/trial Court to submit its report on or before the next date of hearing i.e. on 20.11.2019 as regards authenticity and genuineness of compromise after recording statements of all the affected parties.

In compliance with the above said order, learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar had recorded the statements of both the parties and submitted report dated 23.09.2019. The relevant part of the same reads as under:-

"2. In this regard, the complainant Gurpreet Singh son of Dalbir Singh, Sukhwinder Singh alias Baghi son of Hansa Singh and Hansa Singh son of Kansa Singh, all residents of village Udhoke Khurd, Tehsil and District Amritsar, suffered the joint statement that the present case has been registered on their statement against the accused namely 1) Sandeep Singh, 2) Gurpartap Singh, 3) Harpreet Singh alias Rajan, 4) Kulwinder Singh, 5) Ranjit Singh alias Rana, 6) Manjit Singh, 7) Sukhwinder Singh alias Sadhu alias Kaka, 8) Lovepreet Singh and 9) Rajan Singh. Now a compromise has been effected with the intervention of respectable with them. No criminal case is pending against them. The compromise effected voluntarily without any pressure and any fear. They further stated that no accused has been declared proclaimed offender in this case. They have no objection if FIR is quashed by the Court.

3. Thereafter, joint statement of petitioner namely 1) Sandeep Singh, 2) Gurpartap Singh, 3) Harpreet Singh alias Rajan, 4) Kulwinder Singh, 5) Ranjit Singh alias Rana, 6) Manjit Singh, 7) Sukhwinder Singh alias Sadhu alias Kak, 8) Lovepreet Singh and 9) Rajan Singh was recorded wherein they stated that said case was registered on the statement of complainants Gurpreet Singh son of Dalbir Singh, Sukhwinder Singh alias Baghi son of Hansa Singh and Hansa Singh son of Kansa Singh, all residents of village Udhoke Khurd, Tehsil and District Amritsar. Now a compromise been effected with the intervention of respectable with them. No criminal case is pending against them. The compromise effected voluntarily without any pressure and any fear. They further stated that they are not declared proclaimed offender in this case or any other case. No any other criminal case is pending against them. All concerned parties are party in this petition before Hon'ble Punjab & Haryana High Court.

4. Thereafter statement of ASI Swinder Singh No.1131, Amritsar (Rural) was recorded on 19.09.2018, who deposed that he is Investigating officer of criminal case relating to FIR No.39 of 2018 registered under Sections 452, 427, 323, 324, 148, 149 of IPC at Police Station Mattewal. He further stated that there is no accused in this case other than the petitioner no.1 to 9 ad

there is no other complainant or affected person in this case other than respondents no.2 to 5 of CRM-M-28887 of 2019.

5. The report as desired by the Hon'ble High Court is as under:

1) There is no other accused other than petitioners no.1 to 9.

2) There is no other complainant or affected person in this case other than respondents no.2 to 5 but respondent no.3 Joga Singh did not appear.

After considering statements of the parties, the undersigned is of the opinion that said compromise has been entered into in between the petitioner and complainant voluntarily, out of their free will and without any pressure or coercion an the same appears to be genuine one. The copies of statements of the parties and documents are being sent herewith, for kind perusal of the Hon'ble High Court. Hence this report as per the directions of the Hon'ble High Court."

Vide order dated 18.12.2019, respondent No.3 was allowed to appear before the Illaqa Magistrate/Duty Magistrate concerned on 15.01.2020 to get his statement recorded.

In compliance with order dated 18.12.2019 learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar has submitted report dated 18.01.2020 along with copy of the statement of respondent No.3-Joga Singh to the effect that he has compromised the matter regarding the above said FIR and has no objection if FIR is quashed.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.2 to 5 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 reports of learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District 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

aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties in this case.

The present case is overwhelmingly and predominantly of private/personal character and does 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 petitioners is remote and bleak and 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. Therefore, FIR No.39 dated 03.09.2018 registered under Sections 452, 427, 323, 324, 148 and 149 of the IPC at Police Station Mattewal, District Amritsar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

27.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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