IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-30302-2020
Date of decision : 29.10.2020

Neelam Rani and others .....Petitioners

Versus

State of Punjab and another .....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vinay Kumar, Advocate
for the petitioners.

Mr. H.S. Multani, Asstt. A.G., Punjab
for respondent No.1-State.

Mr. Sukhman Singh, Advocate
for respondent No.2-complainant.

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ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Neelam Rani, Rakesh Kumar @ Rakesh Chander, Mohit Kochar, Manudeep Kochar @ Manu** and **Anurag Sharma @ Sharma** 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.184 dated 02.09.2020 registered under Sections 452, 427 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Mohkampura, District Amritsar (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise effected with respondent No.2-**Ajay Kumar.**

The above-said FIR was registered on statement of respondent No.2-Ajay Kumar. In his statement Ajay Kumar alleged that he got married with Neha daughter of petitioner No.2 on 07.10.2019.

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After 2/3 months his wife started fighting with him and told him that she would not allow any of his relative to enter in the house. A boy was born out of the wedlock but due to some disease he died on 21.06.2020. Thereafter his father-in-law (petitioner No.2) and mother-in-law (petitioner No.1) started harassing him and his wife also started harassing him and his mother. On 30.08.2020 at about 9-9:30 p.m. his relatives came to his house but his wife did not help his mother in household work and started fighting with him and threatened to go back to her parental house on the next day. On 31.08.2020 at about 11/11:15 a.m. his father-in-law (petitioner No.2), mother-in-law (petitioner No.1), brothers-in-law (petitioner No.3 and 4) and Anurag Sharma @ Sharma (petitioner No.5) entered into his house and started abusing him. In order to save himself he entered into his bedroom. Manudeep Kotcher @ Manu (petitioner No.4) took thappi from the bathroom and hit him on his back. He also damaged his mobile phone handset and motorcycle. Anurag Sharma @ Sharma (petitioner No.5) took raibo from the bathroom and hit him on his back and also broke the glass of the showcase in his bedroom. Mohit Kochar (petitioner No.3) and Rakesh Kumar @ Rakesh Chander (petitioner No.2) manhandled him. When he raised alarm, Mohit Kochar (petitioner No.2) and Anurag Sharma @ Sharma (petitioner No.5) criminally intimidated him by threatening to kill him. Thereafter, they took his wife along with them.

The petitioners have filed the present petition for quashing of the FIR on the grounds that the above-said FIR was registered due to some misunderstanding between the parties and now with the intervention of the respectable members of the village and relatives, the

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matter has been amicably settled between the parties.

Vide order dated 29.09.2020 this Court directed the private parties to appear before the trial Court/Illaqa Magistrate on 12.10.2020 for recording of their statements with regard to compromise/settlement and directed the Trial Court/Illaqa Magistrate to submit a report on or before the next date of hearing i.e. on 29.10.2020 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 12.10.2020. The relevant part of the same reads as under:-

> *"I have the honour to submit that as per the directions of Hon'ble High Court, parties appeared in the court of undersigned for recording statements. In view of the said order of Hon'ble High Court, statements of parties were recorded by the undersigned. After considering the statements of the parties, the undersigned is of the considered opinion that the parties have arrived at compromise without any undue influence or pressure. Copies of documents/statements are being enclosed herewith. It is submitted that there are five numbers of accused arrayed in the present FIR and no accused is proclaimed offender. It is further submitted that the compromise is genuine, voluntary and without any coercion or undue influence. It is further submitted that no other case is pending against any of the accused and the current stage of the case under investigation and challan is yet to be presented."*

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

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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

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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.184 dated 02.09.2020 registered under Sections 452, 427 and 506 read with Section 149 of the IPC in Police Station Mohkampura, District Amritsar (**Annexure P-1**) is quashed with all consequential proceedings arising therefrom.

29.10.2020 (**ARUN KUMAR TYAGI**)
kothiyal **JUDGE**

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

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