

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

239

CRM-M-32149-2020

Date of decision: 17.11.2020

Gurpreet Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Lupil Gupta, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab
for respondent No.1.

Mr. Arun Gupta, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Gurpreet Singh, Pritpal Singh, Baljinder Kaur, Jarnail Singh and Satnam Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.56 dated 01.06.2019 registered under Sections 148, 323, 341, 447, 379B and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Phool, District Bathinda (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise dated 29.09.2020 (**Annexure P-2**) effected with respondent No.2-**Gurmail Singh**.

The above said FIR was registered on application of respondent No.2-**Gurmail Singh**. In the application Gurmail Singh alleged that his sons Gurpreet Singh and Pritpal Singh and his wife

Baljinder Kaur wanted to get his land forcibly transferred in their favour. Previously on 07.05.2019, Gurpreet Singh, Pritpal Singh and Baljinder Kaur armed with dangs/sotis gave him beatings and also to Jeet Singh and Gurcharan Singh who came to rescue him. On 23.05.2019, when he went to his fields on his tractor, his sons Gurpreet Singh and Pritpal Singh and his wife Baljinder Kaur along with Jarnail Singh and Satnam Singh came armed with sotis. His sons and above said two persons pulled him down from the tractor and his sons snatched his tractor and gave slaps to him. When he raised alarm his brother Gurcharan Singh and another villager Gurcharan Singh came at the spot who also raised alarm on which the above said persons fled from the spot with their respective weapons by snatching his tractor while extending threats to kill him.

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 12.10.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 30.10.2020 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 17.11.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Sub Divisional Judicial Magistrate, Phul has recorded the statements of both the parties and submitted report dated 06.11.2020. The relevant part of

the same reads as under:-

"1. It is humbly submitted that in compliance of order dated 12.10.2020 passed by Hon'ble Punjab & Haryana High Court in above-mentioned case, statements of parties were recorded on 30.10.2020. Complainant Gurmail Singh has suffered statement that the FIR was lodged by him and now he has compromised the matter with the accused with the intervention of Panchayat & other respectables. He has stated that now there is no dispute between him and the accused and no other case is pending against him. He further stated that the compromise is effected with his free will and without any pressure or coercion. Accused persons namely Gurpreet Singh, Pritpal Singh, Baljinder Kaur, Jarnail Singh and Satnam Singh have also suffered statement that with the intervention of Panchayat & other respectables, they have compromised the matter with the complainant with their free will and without any pressure or coercion. They further stated that there is no dispute between them and the complainant. The above statements of parties have been recorded in presence of counsels and parties have been identified by Sh. Vimal Kumar Garg and Sh. Ishan Goyal, Advocates respectively.

2. Investigating Officer ASI Surjeet Singh No.1006/BTI PS Phul suffered statement that there is only one complainant in this FIR, namely Gurmail Singh and five accused persons namely Gurpreet Singh, Pritpal Singh, Baljinder Kaur, Jarnail Singh and Satnam Singh. He also stated that none of the accused is PO and there are no criminal case/proceedings pending against either of the parties.

3. Accordingly, following report is submitted please:

a) As per statement of Investigating Officer, in case titled as State vs Gurpreet Singh etc., FIR No.56

dated 01.06.2019, U/s- 323, 341, 447, 337-B, 506, 148/149 IPC, Police Station- Phul, Gurpreet Singh, Pritpal Singh, Baljinder Kaur, Jarnail Singh and Satnam Singh have been arrayed as accused in FIR.

b) As per statement of Investigating Officer, none of the accused is proclaimed offender in the said case.

c) From the statements of the complainant and the accused persons, it appears that the compromise between the parties has been effected voluntarily, without any pressure, threat or coercion. The compromise is genuine and valid.

d) As per the statements of the complainant and the accused, none of them are involved in any other case.

e) As per report of Investigating Officer, the Police Challan in the present case has not been presented in this Court so far."

Respondent No.1-State did not file any reply to the petition despite opportunity having been 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 ***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 learned Sub Divisional Judicial Magistrate, Phul 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.56 dated 01.06.2019 registered under Sections 148, 323, 341, 447, 379B and 506 read with Section 149 of the IPC at Police Station Phool, District Bathinda (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

17.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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