

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

266

CRM-M-31360-2019

Date of decision: 25.02.2020

Paramjit Kaur @ Pinki

.....Petitioner

Versus

State of Punjab and another

.....Respondents

266-A

CRM-M-5496-2020

Date of decision: 25.02.2020

Lakhwinder Singh @ Kulwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. H.P.S. Ghuman, Advocate
for the petitioner in CRM-M-31360-2019.

Mr. Nirbhay Singh Gill, Advocate
for the petitioner in CRM-M-5496-2020.

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

Mr. Armaan Gagneja, Advocate
for respondent No.2 in CRM-M-31360-2019.

Mr. Anoop Singla, Advocate
for respondent No.2 in CRM-M-5496-2020.

ARUN KUMAR TYAGI, J (ORAL)

This order disposes of **CRM-M-31360-2019** titled as
Paramjit Kaur @ Pinki Vs. State of Punjab and another and **CRM-M-5496-2020** titled as **Lakhwinder Singh @ Kulwinder Singh Vs. State of Punjab and another** as the same have arisen out of the same occurrence/FIR and involve common questions of facts and law.

CRM-M-31360-2019 titled as Paramjit Kaur @ Pinki Vs. State of Punjab and another has been filed by petitioner- **Paramjit Kaur @ Pinki** and **CRM-M-5496-2020 titled as Lakhwinder Singh @ Kulwinder Singh Vs. State of Punjab and another** has been filed by **Lakhwinder Singh @ Kulwinder Singh** under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.82 dated 13.09.2017 registered under Sections 452, 323, 324 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station P.S. Bhadson, Tehsil Nabha, District Patiala (**Annexure P-1**), to which Sections 325, 326, 450, 501, 120-B and 201 of the IPC were added lateron and subsequently, in proceedings arising therefrom charges have been framed under Sections 450, 326, 325, 324, 323, 201 and 506 read with Section 34 of the IPC, along with all consequential proceedings arising therefrom in view of respective compromise dated 09.07.2019 and 28.01.2020 (**Annexure P-2**) effected with respondent No.2-**Paramjeet Kaur**.

The above said FIR was registered on statement of respondent No.2/complainant-Paramjeet Kaur who alleged that Paramjit Kaur @ Pinki wife of her husband's brother was having illicit relations with Lakhwinder Singh @ Kulwinder Singh and when she told Paramjit Kaur @ Pinki that it has bad effect on her daughter, Paramjit Kaur @ Pinki and Lakhwinder Singh @ Kulwinder Singh started threatening to kill her. On 12.09.2017, at about 05:15 A.M. Lakhwinder Singh @ Kulwinder Singh armed with *Dat* entered into her room in her house and gave blows with the same to her. When she raised hue and cry *marta marta*, on hearing the noise, her son Jaswant

Singh and her husband Harvinder Singh came to the spot and on seeing them Lakhwinder Singh @ Kulwinder Singh ran away from the spot with his weapon. Paramjit Kaur @ Pinki got said injuries caused to her by Lakhwinder Singh @ Kulwinder Singh.

The petitioners have filed the present petitions 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.

In CRM-M-31360-2019, this Court vide order dated 19.02.2020 directed the private parties to appear before the trial Court/Illaq Magistrate on 20.02.2020 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 25.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order passed in CRM-31360-2019, learned Additional Sessions Judge, Patiala has recorded the statements of both the parties and submitted report dated 20.02.2020. The relevant part of the same reads as under:-

"The complainant Paramjit Kaur wife of Harwinder Singh S/o Ajit Singh, Resident of Village Halla, P.S. Bhadson, District Patiala appeared on 20.2.2020 and made statement that this FIR was registered at her instance against accused Lakhwinder Singh alias Kulwinder Singh and Paramjit Kaur alias Pinky. Due to intervention of respectables and relatives of both the sides, she has arrived at compromise with these accused voluntarily, without any coercion or undue influence. The compromise is genuine. There is no other victim or complainant in this case. She has no objection if this FIR and all subsequent proceedings are quashed.

On 20.2.2020, the accused Paramjit Kaur alias

Pinky wife of Sukhwinder Singh S/o Jeet Singh, Resident of Village Halla, P.S. Bhadson, District Patiala appeared and made statement that due to intervention of respectables and relatives of both the sides, she has arrived at compromise with complainant Paramjit Kaur voluntarily, without coercion or undue influence from any side. Her compromise is genuine.

The Investigating Officer ASI Gursharan Singh of P.S. Bhadson has not appeared. However, ASI Harphool Singh, No.2774/Patiala, posted at P.S. Bhadson has appeared and made statement that in this case FIR No.82 dated 13.9.2017, P.S. Bhadson and SI Gursharan Singh is the Investigating Officer of the same, who is under suspension. As per record, there is one victim/complainant namely Paramjit Kaur wife of Harwinder Singh. In this case, there are only two accused i.e. Lakhwinder Singh alias Kulwinder Singh and Paramjit Kaur alias Pinky, whose names are arrayed in the FIR. As per record, no accused has been declared as Proclaimed Offender in this case. These accused are not involved in any other case.

Keeping in view the statements of above named persons, this Court submits the report detailed as under:

- (1) There are two persons arrayed as accused in the FIR i.e. Lakhwinder Singh alias Kulwinder Singh and Paramjit Kaur alias Pinky.*
- (2) No accused is Proclaimed Offender in this case.*
- (3) The compromise is genuine, voluntary and without any coercion or undue influence.*
- (4) As per statement made by ASI Harphool Singh, the accused are not involved in any other case.*
- (5) The proceedings of the case are pending for evidence of prosecution.*
- (6) There is only one victim/complainant i.e. Paramjit Kaur wife of Harwinder Singh in this FIR."*

In CRM-5496-2020, while issuing notice of motion vide order dated 10.02.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 18.02.2020 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 25.02.2020

regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order passed in CRMM-5496-2020, learned Additional Sessions Judge, Patiala has recorded the statements of both the parties and submitted report dated 19.02.2020.

The relevant part of the same reads as under:-

".....The complainant Paramjit Kaur wife of Harwinder Singh S/o Ajit Singh, Resident of Village Halla, P.S. Bhadson, District Patiala appeared on 18.2.2020 and made statement that this FIR was registered at her instance against accused Lakhwinder Singh alias Kulwinder Singh and Paramjit Kaur alias Pinky. Due to intervention of respectables and relatives of both the sides, she has arrived at compromise with these accused voluntarily, without any coercion or undue influence. The compromise is genuine. There is no other victim or complainant in this case. She has no objection if this FIR and all subsequent proceedings are quashed.

On 18.2.2020, the accused Paramjit Kaur alias Pinky wife of Sukhwinder Singh S/o Jeet Singh, Resident of Village Halla, P.S. Bhadson, District Patiala appeared and made statement that due to intervention of respectables and relatives of both the sides, she has arrived at compromise with complainant Paramjit Kaur voluntarily, without coercion or undue influence from any side. Her compromise is genuine. The accused Lakhwinder Singh son of Karam Singh son of Chuhar Singh, Resident of Village Shamshpur, P.S. Amlah, District Fatehgarh Sahib was in custody and his production warrants were issued for 19.2.2020 on which he appeared and made similar statement regarding compromise.

The Investigating Officer ASI Gursharan Singh of P.S. Bhadson was also summoned. However, MHC Harjit Singh, No.674/Patiala, posted at P.S. Bhadson appeared and made statement that ASI Gusharan Singh is the Investigating Officer in this case FIR No.82 dated 13.9.2017, P.S. Bhadson, who is under suspension. As per record, there is one victim/complainant namely Paramjit Kaur wife of Harwinder Singh. In this case, there are only two accused i.e. Lakhwinder Singh alias Kulwinder Singh and Paramjit Kaur alias Pinky, whose names are arrayed in the FIR. As per record, no accused has been declared as Proclaimed Offender in this case. These accused are not involved in any other case.

Keeping in view the statements of above named persons, this Court submits the report detailed as under:

- (1) *There are two persons arrayed as accused in the FIR i.e. Lakhwinder Singh alias Kulwinder Singh and Paramjit Kaur alias Pinky.*
- (2) *No accused is Proclaimed Offender in this case.*
- (3) *The compromise is genuine, voluntary and without any coercion or undue influence.*
- (4) *As per statement made by MHC Harjit Singh, the accused are not involved in any other case.*
- (5) *The proceedings of the case are pending for evidence of prosecution.*
- (6) *There is only one victim/complainant i.e. Paramjit Kaur wife of Harwinder Singh in this FIR."*

Respondent No.1-State did not file any reply to the petition in both the cases.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondent No.2 and gone through the relevant record.

A perusal of the reports of learned Additional Sessions Judge, Patiala reveal 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.

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.***

The offences involved in present cases are overwhelmingly and predominantly of private/personal character. The parties have resolved their entire dispute among themselves. The compromise has been arrived at between the parties at the initial stage while the case is still at the stage of prosecution evidence. 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.82 dated 13.09.2017 registered under Sections 452, 323, 324 and 506 read with Section 34 of the IPC at Police Station P.S. Bhadson, Tehsil Nabha, District Patiala (**Annexure P-1**), to which Sections 325, 326, 450, 501, 120-B and 201 of the IPC were added lateron and subsequently, in proceedings arising therefrom charges have been framed under Sections 450, 326, 325, 324, 323, 201 and 506 read with Section 34 of the IPC, is quashed along with all consequential proceedings arising therefrom qua both the petitioners.

The petitions are allowed accordingly.

25.02.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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