

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

268

CRM-M-41121-2019

Date of Decision : 27.02.2020

Renu Bala and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gaurav Partap S. Pathania, Advocate
for the petitioners.

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

None for respondent No. 2

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners-**Renu Bala, Satish Kumar, Suman, Balram** and **Mona** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of complaint No. 138/2015 titled Rahul Sharma versus Satish Kumar and others under Sections 326, 452, 324, 323, 506, 382, 148 read with 149 of the Indian Penal Code, 1860 (for short 'the IPC') filed by complainant-respondent No. 2 before the learned Judicial Magistrate First Class, Gurdaspur along with all consequential proceedings arising therefrom in view of the settlement agreement dated 30.05.2019 (Annexure P-2) entered into between the parties before the Mediation and Conciliation Centre of this Court in case CRR (F) No. 280 of 2017 titled as

'Rahul Sharma Versus Renu Bala and another.'

The above said complaint was filed by respondent No.2-Rahul Sharma on the allegations that he was married with Renu Bala and one son Akshaj was born out of this wedlock. His wife was loose tongue and used to abuse complainant and his mother in variably and due to this tension mother of the complainant expired on 30.11.2014. On 31.05.2015 in the morning Renu Bala was talking to some unknown person on mobile. When he enquired she started abusing him and threatened to teach him a lesson. At about 12.00 P.M. when complainant, his brother Sanjeev and her father's sister Parbhat Subha were present and talking with each other, all of sudden accused Balram armed with *kirpan*, Satish Kumar and Suman armed with *dangs* and Mona empty handed came on motor cycles entered the room forcibly. Renu raised lalkara that complainant and his family be done to death. Satish Kumar gave two *dang* blows which hit the complainant on his chest and neck and second on his abdomen. Suman gave two *dang* blows which hit the complainant on lips and teeth and second on left foot. When the complainant's brother Sanjeev tried to save the complainant, Balram gave *kirpan* blow which hit on left leg of Sanjeev. Satish gave *dang* blow which hit on the back of right shoulder of Sanjeev. When his father's sister stepped forward, Mona caught her from hair and threw her on the floor. Suman gave *dang* blow which hit on her head. While lying on the ground Renu gave kick blows to her on various parts. Complainant and other raised alarm on which the accused fled with their respective weapons alongwith valuables and gold ornaments.

The petitioners have filed the present petition for quashing of the complaint on the grounds that now the matter has been amicably

compromised between the parties in the Mediation and Conciliation Centre of this Court.

This Court while issuing notice of motion on 24.09.2019 directed that the petitioners, as also respondent No. 2 would appear before the learned trial Court up to 04.11.2019 to record their statements. The Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing. The Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed. The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.

In terms of aforesaid order, learned Additional Sessions Judge, Gurdaspur has recorded the statements of both the parties and submitted report dated 08.11.2019. The relevant part of the same reads as under:-

“.....it was found that Sanjiv Sharma son of Subash Sharma and Prabhat Subha wife of Sh. Ram Rashpal, are not party to the petition before the Hon'ble High Court as well as before this Court but are involved in the occurrence and their consent for compromise is required. They were also called to record their statements regarding compromise.

3. In compliance with directions of Hon'ble High Court, I have recorded statements of complainant 1. Rahul Sharma 2. Sanjeev Sharma son of Subash Sharma 3. Parbhat Subha wife of Sh. Ram Rashpal from the side of complainant party and

statements of accused/petitioners namely 1. Renu Bala 2. Satish Kumar 3. Suman 4. Balram and 5. Mona.

4. Both the parties have been duly identified by their counsels before this Court. Copies of their identity proof have also been placed on file and parties have been identified by their counsels, also.

5. On basis of statements recorded before the court by the parties to complaint titled as Rahul Sharma Vs. Satish Kumar etc CIS No. 138 of 2015 titled as Rahul Sharma Vs. Satish Kumar etc and Sanjiv Sharma and Parbhat Subha, this court is of the opinion that compromise between the parties seems to be genuine and having been effected voluntarily without any coercion or pressure.

I have heard learned Counsel for the petitioners, learned State Counsel 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) R.C.R. (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 Additional Sessions Judge, Gurdaspur 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 complaint along with all subsequent proceedings arising therefrom is quashed on the basis of the compromise effected between the parties in this case. The offences are of private nature arising out of strained matrimonial relations. The parties have resolved their entire dispute among themselves.

In view of the facts and circumstances of the case continuation of the complaint will put the petitioners to great oppression and extreme injustice would be caused to the petitioners if the complaint and all consequential proceedings are not quashed. Therefore, complaint No. 138/2015 titled Rahul Sharma versus Satish Kumar and others under Sections 148, 326, 452, 324, 323, 506, 382 read with Section 149 of the IPC filed by complainant-respondent No. 2 before the learned Judicial Magistrate First

Class, Gurdaspur (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

27.02.2020

Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

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