

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

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**CRM-M-41818-2019
Date of decision : 11.02.2020**

Dilbag Singh @ Dannu and othersPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. V.K. Gupta, Advocate
for the petitioners.

Mr. Arun Kaundal, DAG, Punjab
for respondent No.1-State.

Mr. V.S. Anand, Advocate
for respondents No.2 to 4.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Dilbag Singh @ Dannu, Satnam Singh @ Pappi, Amrik Singh @ Chaani, Manjit Kaur, Karamjit Kaur @ Paramjit Kaur and Sarabjit Kaur have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.98 dated 20.07.2019 registered under Sections 324, 452, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station Kot Ise Khan, District Moga (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-2**) effected with respondents No.2 to 4- **Veerpal Kaur, Gurpreet Singh and Amarjit Singh.**

The above said FIR was registered on statement of respondent No.2-Veerpal Kaur who alleged that on 18.07.2019 at about 01:30 p.m. accused Dilbag Singh @ Dannu came in front of her house

and started abusing her and giving threats to her on which she went inside her house along with her children. At about 01:00 a.m. at night, when all of them had fallen asleep then 4/5 unknown persons trespassed into her house, used abusive language and gave slaps and fist blows to her and her husband-Gurpreet Singh. When they raised alarm, they fled through main gate of her house. When they were returning after giving information to the police, accused Amrik Singh @ Chaani armed with kirtch, Dilbag Singh @ Dannu armed with sota, Satnam Singh @ Pappi armed with iron rod, Sarabjeet Kaur, Manjit Kaur and Karamjeet Kaur armed with danda attacked her. Accused Amrik Singh @ Channi inflicted blow with kirtch on her right hand while accused Satnam Singh @ Pappi inflicted blow with iron rod on her left arm. She fell down and thereupon accused Dilbag Singh @ Dannu, Sarabjeet Kaur, Manjit Kaur and Karamjeet Kaur attacked her and inflicted blows with dandas on various parts of her body. When her brother Amarjeet Singh tried to rescue her, accused-Amrik Singh @ Channi, Dilbag Singh @ Dannu and Satnam Singh @ Pappi also caused injuries to him on his right hand, waist and stomach. Accused Dilbag Singh @ Dannu also abused her three years old son and had thrown him down. When her husband along with others reached there, the accused fled from the spot with their weapons. Due to night they could not get any vehicle and reached home. Accused-Amrik Singh, Dilbag Singh @ Dannu, Satnam Singh @ Pappi and Sarabjit Kaur reached their home and again gave fist blows to her and her brother.

The petitioners have filed the present petition for quashing of the FIR on the grounds that the parties have settled the matter and

decided to put an end to litigation between them and live in peace.

Vide order dated 20.01.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 27.01.2020 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 11.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate First Class, Moga has recorded the statements of both the parties and submitted report dated 06.02.2020. The relevant part of the same reads as under:-

“As per the directions of the Hon'ble High Court, statements of complainant, injured, eye witness and accused persons have been recorded. Complainant Veerpal Kaur daughter of Baldev Singh and wife of Gurpreet Singh resident of Village Daulewala, District Moga has suffered a statement that FIR No.98 dated 18.07.2019 under Sections 324, 452, 323, 506, 148, 149 IPC P.S. Kot Ise Khan was got registered by her against Amrik Singh, Dilbag Singh, Satnam Singh, Sarabjit Kaur, Manjit Kaur, Paramjit Kaur and one unknown person for causing injuries to her and her brother Amarjit Singh. She further stated that with the intervention of respectables and relatives a compromise was effected between her and accused party and that the compromise was effected for their betterment and the same was effected with their free will, without there being any sort of pressure or coercion from any corner. As mark of identity she placed on record copy of her aadhar card. She also prayed that the petition filed by accused in the Hon'ble High Court may kindly be allowed and the instant FIR may kindly be quashed. Similarly injured Amarjit Singh and eye witness Gurpreet Singh have suffered separate statements along the lines of complainant.

All the accused have suffered separate statements to the effect that FIR No.98 dated 18.07.2019 under Sections 324, 452, 323, 506, 148, 149 IPC P.S. Kot Ise Khan was got registered by Veerpal Kaur against them

and unknown person and that with the intervention of respectable and relatives a compromise was effected between them and complainant party. They further stated that the compromise was effected for their betterment and the same was effected with their free will, without there being any sort of pressure or coercion from any corner. As a mark of identity, they placed on record photo copies of their respective adhaar cards. They also prayed that petition filed by them in the Hon'ble High Court may kindly be allowed and the instant FIR may kindly be quashed.

It is pertinent to mention here that as per statement of ASI Major Singh, there are six accused namely Amrik Singh @ Channi, Dilbag Singh @ Dannu, Satnam Singh @ Pappi, Sarabjit Kaur, Manjit Kaur and Paramjit Kaur @ Karamjit Kaur and one unknown person against whom the FIR was also registered, has not been nominated in this case so far. He further stated that none of the accused is proclaimed offender in this case.

From the statements of the complainant, injured, eye witness and accused persons so recorded by the undersigned, compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.

As per statement of ASI Major Singh, accused are not involved in any other case. He further stated that the FIR in this case is under investigation and challan has not been presented in the court till date. He further stated that there is one complainant namely Veerpal Kaur and one victim Amarjit Singh.”

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.2 to 4 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 report of Judicial Magistrate First Class, Moga 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 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. 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.

Therefore, FIR No.98 dated 20.07.2019 registered under Sections 324, 452, 323, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Kot Ise Khan, District Moga (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

11.02.2020

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(ARUN KUMAR TYAGI)
JUDGE

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