

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

272

CRM-M-47957-2019
Date of decision : 05.03.2020

Jasbir Kaur Basra

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S. Duggal, Advocate
for the petitioner.

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

Mr. Sandeep Ray Duggal, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Jasbir Kaur Basra** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.105 dated 09.08.2019 registered under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station Division No.8, District Police Commissionerate, Jalandhar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 26.10.2019 (**Annexure P-2**) effected with respondent No.2-**Amrik Singh**.

Amrik Singh submitted a written complaint to the Police Commissioner, Jalandhar against Amajit Singh Basra and Jasbir Kaur Basra alleging that Nagina Singh, who was a bachelor, was joint owner in possession of 1/3rd share of the land of the rasta in question. On his death the same was muted in the name of Kehar Singh, Teja Singh and

Kartar Singh sons of his brother Beant Singh. On death of Teja Singh his share was inherited by his sons Amarjit Singh Basra and Sukhwant Singh Basra. In order to defraud, Amarjit Singh Basra executed general power of attorney in favour of his wife Jasbir Kaur Basra and his wife Jasbir Kaur Basra executed sale deed dated 16.04.2019 regarding land more than his share in favour of Sonika Rani enclosing therewith forged jamabandi for the year 2009-10. After executing the sale deed, the accused are trying to illegally and unlawfully deliver possession out of land of the share of Amrik Singh s/o Kehar Singh. The above-said accused persons have cheated him and also Sonika Rani and Punjab Government by selling the above-said land at value lesser than prevalent market price.

The petitioner has filed the present petition for quashing of the FIR on the grounds that with the intervention of the respectables and with the help of Revenue Officials and after proper verification, the matter has been resolved vide compromise dated 26.10.2019.

Notice of the petition was given to the respondents. Respondent No.2 appeared through Counsel and admitted the factum of compromise.

Vide order dated 13.11.2019, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 21.11.2019 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 so as to reach this Court before the date of hearing fixed i.e. on 05.12.2019 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate Ist Class, Jalandhar has recorded the statements of both the parties and submitted report dated 29.11.2019. The relevant part of the same reads as under:-

“I have the honour to submit that in compliance to the order dated 13.11.2019 of Hon'ble Punjab and Haryana High Court passed i Criminal Misc. No.M-47957 of 2019, the parties have appeared before the court of undersigned and their statements have been recorded. The report is submitted as under:

1. As per the statement of IO/ASI Balkaran Singh Police Station Division no.8, Jalandhar there is only one accused namely Jasbir Kaur Basra and nobody has been declared as proclaimed person. No other case has been instituted against the present accused. No third party has been created. The investigation in the present case has not been concluded.

2. As per the statements of complainant Amrik Singh and accused Jasbir Kaur Basra, the parties have entered into compromise with their free consent and without any pressure, coercion, undue influence and inducement from any quarter. The said compromise seems to be genuine, voluntary and without any coercion or undue influence.

3. The current stage of the case is at investigating stage.”

Reply by way of affidavit of Sh. Jasbinder Singh (PPS) ACP North, Jalandhar on behalf of respondent No.1-State has been filed while pleading that on completion of investigation, report under Section 173(2) of the Cr.P.C. has been filed against the petitioner, which is pending for trial and due to the offence being non-compoundable, the petition may be dismissed.

However, learned State counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom are quashed on the basis of compromise effected between the parties in this case.

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 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 Judicial Magistrate Ist Class, Jalandhar clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

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.

The sale deed executed in favour of Sonika Rani has been cancelled in terms of compromise vide judgment and decree dated 09.01.2020 passed by learned Civil Judge (Junior Division), Jalandhar in *Civil Suit No.1620 of 2019 titled as 'Sonika Rani Vs. Amarjit Singh Basra'*.

In view of the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to her if the FIR and all consequential proceedings are not quashed.

Therefore, FIR No.105 dated 09.08.2019 registered under Sections 420, 465, 467, 468 and 471 of the IPC at Police Station Division No.8, District Police Commissionerate, Jalandhar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

05.03.2020
kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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