

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

270

**CRM-M-48276-2019
Date of decision : 04.02.2020**

Mardana @ Mardana Singh and othersPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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

Mr. Anish Goyal, Advocate
for respondents No.2 to 4.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Mardana @ Mardana Singh, Gurlal Singh, Raja Karan Singh @ Raja Singh, Baljeet Singh @ Goldy and Gurpreet Singh @ Gopi have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.271 dated 13.10.2019 registered under Sections 458, 323, 427, 148 and 149 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station City Faridkot, District Faridkot (**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-Kuldeep Singh @ Happy, Mandeep Singh @ Minta and Baldev Singh.

Briefly stated, the above said FIR has been registered on statement of respondent No.2-Kuldeep Singh @ Happy who alleged

that one banner had been pasted by them on which photo of Bittu Singh defeated Sarpanch was pasted. On 12.10.2019 at about 11:30 p.m. when he (Kuldeep Singh) and his uncle Baldev Singh were coming towards home from sheller, they saw accused Mardana Singh, Gurlal Singh and Goldy tearing the banner pasted by them. When his uncle Baldev Singh stopped them, they started fighting with him and his uncle Baldev Singh. On hearing noise, their family members came there and accused Goldy hit Mandeep Singh @ Minta with glass bottle on his head. The above said accused also called other accused namely Raja, Gopi and 5-7 unknown persons there. Out of fear they ran towards their houses but the accused followed them with weapons in their hands. They locked the gate of their house but the accused opened the gate by hitting the same and by entering into their house gave beating to their family members. On hearing their noise, people gathered on the spot and the accused fled away from the spot.

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.

While issuing notice of motion on 14.11.2019, 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 before the next date of hearing i.e. on 10.12.2019 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Chief

Judicial Magistrate, Faridkot has recorded the statements of both the parties and submitted report dated 22.11.2019. The relevant part of the same reads as under:-

“Both the parties have got recorded their statements that with the intervention of the respectables of the society, compromise has been effected between them, which is genuine, voluntary and without any pressure or coercion. The complainant-Kuldeep Singh alias Happy, Victim-Mandeep Singh alias Minta and witness-Baldev Singh also got recorded in their joint statement that they have no objection if the present FIR as well as all the proceedings arising therefrom are quashed. All the accused also got recorded in their statement that there is no other case pending against them except the present case.

Statement of ASI Sikander Singh (Investigating Officer) also recorded, who got recorded that there are three complaints/victims in the present FIR, namely, Kuldeep Singh, Mandeep Singh alias Minta and Baldev Singh. There are five named accused persons in the present FIR and none of the accused is proclaimed offender in the present case

In view of the statements of the parties as well as of the Investigating Officer, the requisite information as sought by the Hon'ble High Court, point wise is furnished as under:-

- (i) Five persons are arrayed as accused in present FIR.
- (ii) None of the accused is proclaimed offender.
- (iii) The compromise is genuine, voluntary and without any coercion or undue influence.
- (iv) None of the accused is involved in any other case as per their statement.
- (v) Only FIR is pending yet.
- (vi) there are three complainants/victims, namely, Kuldeep Singh alias Happy, Mandeep Singh alias Minta and Baldev Singh in the present FIR.”

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.

A perusal of the report of learned Chief Judicial Magistrate, Faridkot 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.

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.*

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. 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.271 dated 13.10.2019 registered under Sections 458, 323, 427, 148 and 149 of the the IPC at Police Station City Faridkot, District Faridkot (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

04.02.2020
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(ARUN KUMAR TYAGI)
JUDGE

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