

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

262

CRM-M-48688 of 2019

Date of Decision:-10.01.2020

Veerinder Singh Minhas and another

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Aakash Kumar Gupta, Advocate
for the petitioners.

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

Mr. Vinod Kumar, Advocate
for respondent No. 2.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners-**Veerinder Singh Minhas** and **Harpreet Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of FIR No. 281 dated 28.12.2017 registered under Section 380 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Division No. 7, District Jalandhar, Punjab (**Annexure-P1**) and all consequential proceedings arising therefrom on the basis of compromise dated 02.11.2019 (**Annexure-P2**) with respondent No.2-Sandeep Singh Rana.

The above said FIR was lodged by respondent No.2-Sandeep Kumar Rana stating that he was running a shop under the name and style of Rana Jeweller for the last 10 years at Gada Market near Dayanand Chowk, Jalandhar. On 28.12.2017 at about 2:10 PM

when he was present in his shop and 3-4 ladies were seeing the gold ornaments, a young person who was wearing a cap on his head came to his shop. That person had purchased gold ornaments from his shop one or two times earlier. He asked him to show a gold chain. He (respondent No.2-Sandeep Kumar Rana) showed him 6-7 gold chains by placing it on a tray. He saw the chains for sometime and then asked him (respondent No.2-Sandeep Kumar Rana) to show him gold *kada*. In the meanwhile that person removed a gold chain weighing about 15.510 grams and left from the shop. Outside the shop one person was standing on a motorcycle and that person left with him on the motorcycle. On coming to know about the theft he (respondent No.2-Sandeep Kumar Rana) searched him but could not find him.

The petitioners, subsequently identified to be the offenders, have filed the present petition 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 disputes.

Vide order dated 16.11.2019 passed by this Court recording of statements of the private parties was directed and relevant part of the same reads as under:-

“Notice of motion for 13.12.2019.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Vinod Kumar, Advocate has appeared on behalf of respondent No.2-Sandeep Kumar Rana and admits the factum of compromise.

Copies of the paper book have been supplied to the learned counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on

22.11.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information :-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. Current stage of the case.

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

In compliance with aforesaid order, Judicial Magistrate Ist Class, Jalandhar has recorded the statements of the parties and submitted report dated 06.12.2019. The operative part of the same reads as under:-

“ So, on 25.11.2019, the parties i.e. complainant Sandeep Kumar Rana and accused namely Veerinder Singh Minhas and Harpreet Singh appeared in the court of the undersigned. Statements of the parties were recorded. Complainant Sandeep Kumar Rana and both the accused namely Veerinder Singh Minhas and Harpreet Singh suffered their respective statements with regard to execution of compromise between them.

Complainant Sandeep Kumar Rana has suffered the statement as follows:-

Stated that “an FIR No. 281 dated 28.12.2017 registered under Section 380, 34 of Indian Penal Code at PS Division No. 7, Jalandhar which is pending in this court for 12.12.2019 for prosecution evidence that compromise has been effected between me and accused Veerinder Singh Minhas son of Tarlochan Singh residence of House No. 694 Guru Teg Bahadur Nagar, Jalandhar and accused Harpreet Singh son of Paul Singh, residence of House No. 1 Mall Road, New Model Town, Jalandhar. I have no objection if the FIR No. 281 dated 28.12.2017 registered under Section 380, 34 of

Indian Penal Code at PS Division No. 7, Jalandhar be quashed by Hon'ble High Court. I am giving this statement voluntarily and without any coercion or undue influence."

Accused Veerinder Singh has suffered the statement as follows:-

Stated that "an FIR No. 281 dated 28.12.2017 registered under Section 380, 34 of Indian Penal Code at PS Division No. 7, Jalandhar against me and accused Harpreet Singh on the statement of Sandeep Kumar Rana, son of Inderjit Singh Rana, residence of House No. 147 MIG Housing Board, Colony Urban Estate Phase I, Garha Jalandhar for 12.12.2019 which is pending in this court for prosecution evidence and that compromise has been effected between me, Harpreet Singh with complainant. I am giving this statement voluntarily and without any coercion or undue influence."

Similarly accused Harpreet Singh has also suffered the statement as follows:-

Stated that "an FIR No. 281 dated 28.12.2017 registered under Section 380, 34 of Indian Penal Code at PS Division No. 7, Jalandhar against me and accused Veerinder Singh Minhas son of Tarlochan Singh residence of House No. 694 Guru Teg Bahadur Nagar, Jalandhar on the statement of Sandeep Kumar Rana, son of Inderjit Singh Rana, residence of House No.147 MIG Housing Board Colony Urban Estate Phase I, Garha, Jalandhar for 12.12.2019 which is pending in this court for prosecution evidence that compromise has been effected between me, Veerinder Singh with complainant. I am giving this statement voluntarily and without any coercion or undue influence."

SHO/ASI Gurnam Singh, No. 2731, PS Division No. 7, Jalandhar has also suffered the statement as follows:-

"Stated that there is no any other complainant/victim is involved in the present case. The complainant Sandeep Kumar is the only complainant/victim in the present FIR"

Considering the above mentioned statements of the parties, this court is satisfied that

1.The statement of the parties are bona fide and are not result of any pressure or coercion etc., in any manner.

2. As per the report of concerned SHO:-

(i)Two persons are arrayed as accused in the FIR.

(ii) No accused is declared as proclaimed offender.

(iii) Accused Veerinder Singh is not involved in any other case.

The history of accused Harpreet Singh is as below:-

(a) FIR No. 178 dated 02.05.2017 under Section 21

NDPS Act PS Division No. 6, Jalandhar-Acquitted on 09.04.2012.

(b) FIR No. 63 dated 16.04.2013 under Section 380 IPC PS Division No. 6, Jalandhar-Acquitted on 28.08.2017.

Accused Harpreet Singh is not involved in any other criminal case except mentioned above.

(iv) No other victim or complainant is involved in the above mentioned case.

3. At present the case is at the stage of prosecution evidence.

4. The court is satisfied as to the genuineness of the compromise and the statements of the parties are not the result of any pressure or coercion in any manner and the compromise is voluntary.

Copies of statements of the parties of the case are enclosed herewith .”

A perusal of the aforesaid report 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 the 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 the present case are overwhelmingly and predominantly private in nature. The parties have resolved their entire dispute amongst themselves.

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 them if the FIR and all

consequential proceedings are not quashed. Therefore, FIR No. 281 dated 28.12.2017 registered under Section 380 read with Section 34 of the IPC at Police Station Division No. 7, District Jalandhar, Punjab is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

10.01.2020

Rajeev (rvs)/kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No