

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

CRM-M-48567-2019

Date of Decision : 21.01.2020

Sukhjit Singh and another

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Chander Shekhar Sharma, Advocate
for the petitioner.

Mr. Arun Kaundal, D.A.G., Punjab
for respondent No. 1- State.

Mr. Naveen Sharma, Advocate
for the complainant/respondent No. 2

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners-**Sukhjit Singh and Manjot Kaur** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') praying for quashing of FIR No. 05 dated 25.01.2019 registered under Sections 380, 328 read with Section 34 of the Indian Penal Code (for short 'the IPC') at Police Station Dhilwan, District Kapurthala (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-2**) with respondent No.2-Charnjit Kaur.

The above said FIR was registered on statement of complainant respondent No.2- Charnjit Kaur who alleged that on 08.01.2019 at about 8 o'clock petitioner no. 1-accused Sukhjit Singh @ Sukha came to her house and gave something to his daughter Manjot Kaur who mixed that substance in lentil

prepared in home. On consuming the lentil, she, her daughter Simranpreet Kaur and her son Gurwinder Singh became unconscious and his daughter-petitioner no.2-Manjot Kaur alias Joti and petitioner no.1-accused Sukhjot Singh committed theft of amount of Rs. 80,000/- and 7 gold rings from iron box placed in her house.

The petitioners 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 and differences.

The Coordinate Bench of this Court, while issuing notice of motion on 28.11.2019, passed the following order:-

“Learned counsel for the petitioner while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.05 dated 25.01.2019 registered under Sections 380, 328 and 34 of the Indian Penal Code, 1860 at Police Station Dhilwan, District Kapurthala and all subsequent proceedings arising therefrom.

Notice of motion for 19.12.2019.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of respondent No.1-State.

At this stage, Ms. Naveen Sharma, Advocate has appeared on behalf of respondent No.2 and filed his power of attorney which is taken on record. Learned Counsel for respondent No.2 has admitted 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 04.12.2019 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 terms of aforesaid order, learned Judicial Magistrate 1st Class, Kapurthala has recorded the statements of both the parties and submitted report dated 09.12.2019. The operative part of the same reads as under:-

“ Complainant Charanjit Kaur W/o Rajpal Singh has appeared in this Court and made statement that she has compromised the matter with the accused. She has been effected the compromise voluntarily and without any coercion or undue influence. She is now living happily with her daughter and son-in-law. Statement of accused Sukhjit Singh and Manjot Kaur have been recorded. This Court has recorded the statement of ASI Bhagwant Singh i.e. Investigating officer of the present case with regard to number of persons arrayed as accused, whether any accused is proclaimed offender or not, whether the accused is involved in any other case or not and current stage of the case. He stated that there are two accused namely Sukhjit Singh and Manjot Kaur. No accused is a proclaimed offender and no accused is involved in any other case. He stated that accused were not arrested in this case and therefore no remand paper/Challan is pending in the Court. There is only One complainant/victim namely Charanjit Kaur in the present FIR.

In view of the statement so made by complainant Charanjit Kaur, I am of the considered opinion that parties have entered into compromise voluntarily and without any threat, coercion or pressure and their compromise is genuine one and complainant Charanjit Kaur has made her statement in the Court voluntarily and without any pressure..... ”

I have heard learned Counsel for the petitioners, 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) 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 Judicial Magistrate 1st Class, Kapurthala 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. The offences involved in the present case are overwhelmingly and predominantly of private/personal character. The parties have resolved their entire dispute among themselves. The

case is at initial/investigation stage as the report under Section 173(2) of the Cr.P.C. has not yet been presented in the Court. In view of the facts and circumstances of the case the possibility of conviction of the petitioners is very 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.

In view of the above discussion, FIR No. 05 dated 25.01.2019 registered under Sections 380, 328 read with Section 34 of the Indian Penal Code (for short 'the IPC') at Police Station Dhilwan, District Kapurthala (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

21.01.2020

Kavneet Singh

**(ARUN KUMAR TYAGI)
JUDGE**

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