

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

249

CRM-M-49095-2019

Date of Decision : 09.01.2020

Hardip Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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

Mr. Yashasvi Kapila, Advocate
for respondent No. 2

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners-**Hardip Singh, Sukhjit Kaur, Rajwinder Kaur, Manjit Kaur and Sukhwinder 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.0099 dated 07.08.2017 registered under Section 306 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Bullowal, District Hoshiarpur (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 25.09.2019 (**Annexure P-2**) with respondent No. 2-Harjit Singh.

The above said FIR was registered on statement of respondent No.2-Harjit Singh. In his statement, Harjit Singh stated that he runs fast food shop at bus stand Phagwara. On 06.08.2017, his brother in law Mahinder Singh committed suicide after hanging himself from the tree at village Pajodiota. He

reported the incident at Police Station Bulowal in this regard. Someone gave him the mobile phone of Mahinder Singh. On checking the mobile phone of Mahinder Singh he found recording in the voice of Mahinder Singh in which Mahinder Singh has disclosed that he is finishing his life as he is being troubled by his wife Rajvinder Kaur, brother in law Hardeep Singh, Sukhjeet Kaur @ Meenu wife of Hardeep Singh, Sukhwinder Singh and mother in law of Mahinder Singh. The aforesaid persons have ruined his life. At present, his wife is living with Hardeep Singh, who is a police official and has filed false complaints against Mahinder Singh.

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.

This Court while issuing notice of motion on 19.11.2019, passed the following order:-

“Learned counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.0099 dated 07.08.2017 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Bulowal, District Hoshiarpur and all subsequent proceedings arising therefrom.

Notice of motion for 16.12.2019.

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, Mr. Yashasvi Kapila, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 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 25.11.2019 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 terms of aforesaid order, learned Additional Sessions Judge, Hoshiarpur has recorded the statements of both the parties and submitted report dated 03.12.2019. The relevant part of the same reads as under:-

“..... In view of order dated 19.11.2019 passed by Hon'ble Punjab and Haryana High Court, Chandigarh, in CRM No. M-49095 of 2019, both the parties appeared today i.e. 28.11.2018. As per orders of Hon'ble High Court, statements of both the parties were recorded. Complainant Harjit Singh son of Lacchman Singh resident of Ramgarh (Dhakk, Jagpal Pur) P.S. Rawal Pindi Distt. Kapurthala appeared and suffered statement that on 7.8.2017, on his statement FIR no.99 U/s 306 IPC P.S. Bullowal Distt. Hoshiarpur was registered against Hardeep Singh, Sukhjit Kaur @ Meenu, Manjit Kaur, Sukhwinder Singh and Rajwinder Kaur @ Riya. Now, due to intervention of relatives and respectables of our native villages, a compromise has been effected with above-said accused persons. He has effected this compromise without any pressure with his own sweet will. He has no objection if the proceedings against the above mentioned five persons be quashed. Accused Hardeep Singh son of Mahinder Singh, Sukhjit Kaur @ Meenu wife of Hardeep Singh residents of Vill. Dhamian Kalan P.S. Bullowal at present R/o House No.351/02 Hargobind Nagar Street No. 2 P.S. Division No.8, Jalandhar Distt. Jalandhar, Manjeet Kaur wife of Balvir Chand R/o Vill. Pajo Dita P.S. Bullowal at present R/o House No.351/02 Hargobind Nagar Street No.2 P.S. Division No.8, Jalandhar Distt. Jalandhar, Sukhwinder Singh S/o Kulwant Singh R/o Behram Srishta P.S. Bhogpur Distt. Jalandhar and Rajwinder Kaur @ Riya wife of Mahinder Singh Daughter of Balvir Singh R/o Vill. Pajo Dita P.S. Bullowal at present R/o House No.351/02 Hargobind Nagar Street No. 2 P.S. Division No.8, Jalandhar Distt. Jalandhar also appeared and suffered joint statement that a compromise has been effected between complainant Harjit Singh and five of them. Harjit Singh has suffered a statement before this Court today. The compromise has been effected without any pressure and undue influence with sweet will of complainant and they accused with the intervention

of respectables and relatives. That none of them accused is proclaimed offender nor any other case is pending against them. They are only five persons arrayed as accused in the present FIR. They further stated that proceedings regarding the FIR no.99 dated 7.8.2017 U/s306 IPC P.S. Bullowal Distt. Hoshiarpur may kindly be quashed against five of them accused.

3. *Keeping in view the above referred statements, it appears that complainant party as well as accused persons had entered into compromise voluntarily, without any threat or coercion and compromise appears to be genuine.*

4. *It is further submitted that Inspector Pardeep Singh Investigating Officer has also appeared and suffered statement that he has conducted the investigation of FIR No.99 dated 7.8.2017 U/s 306 IPC P.S. Bullowal Distt. Hoshiarpur during his posting as SHO at P.S. Bullowal Distt. Hoshiarpur. The said FIR was registered on the statement of complainant Harjit Singh son of Lacchman Singh R/o Ramgarh (Dhakk Jagpal Puri) P.S. Rawal Pindi Distt. Kapurthala against the accused Hardeep Singh aged 48 years S/o Mahinder Singh R/o Vill. Dhamian Kalan P.S. Bullowal at present R/o H.No.351/02 Hargobind Nagar St.No.2 P.S. Division No.8, Jalandhar Distt. Jalandhar, Sukhjot Kaur @ Meenu aged 38 years W/o Hardeep Singh R/o Vill. Dhamian Kalan P.S. Bullowal at present R/o House No.351/02 Hargobind Nagar Street No.2 P.S. Division No.8, Jalandhar Distt. Jalandhar, Manjeet Kaur aged 65 years W/o Balvir Chand R/o Vill. Pajo Dita P.S. Bullowal at present R/o House No.351/02 Hargobind Nagar Street No.2 P.S. Division No.8, Jalandhar Distt. Jalandhar, Sukhwinder Singh aged 30 years S/o Kulwant Singh R/o Behram Srishta P.S. Bhogpur Distt. Jalandhar and Rajwinder Kaur @ Riya aged 30 years W/o Mahinder Singh Daughter of Balvir Singh R/o Vill. Pajo Dita P.S. Bullowal at present R/o House No.351/02 Hargobind Nagar Street No.2 P.S. Division No.8, Jalandhar Distt. Jalandhar. He further stated that accused Sukhwinder Singh @ Sukha S/o Kulwant Singh was arrested in this case on 7.8.2017 and Rajwinder Kaur @ Riya D/o Balvir Singh was arrested on 29.9.2017 and their main challan was presented on 6.10.2017 and accused Hardeep Singh S/o Mahinder Singh, Sukhjot Kaur @ Meenu, Manjit Kaur W/o Balvir Chand were kept into column no.2 of the challan and Hardeep Singh, Sukhjot Kaur and their P.O. Proceedings were pending at that time. He further stated that thereafter, accused Hardeep Singh S/o Mahinder Singh, Sukhjot Kaur @ Meenu, Manjit Kaur wife of Balvir Chand were arrested in the present case on 13.1.2018 and their supplementary challan filed on 24.9.2018 by SI Kamaljit Singh SHO P.S. Bullowal.*

5. *As per statements of the parties as well as Investigating Officer Hardeep Singh, Sukhjot Kaur @ Meenu, Manjeet Kaur, Sukhwinder Singh and Rajwinder Kaur @ Riya were arrayed in the present FIR as accused and no any of the accused is involved*

in any other FIR. No any accused is Proclaimed Offender in this case.

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 Additional Sessions Judge, Hoshiarpur 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 character. The parties have resolved their entire dispute among themselves. In the present case challan has been presented and the case is pending trial. 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.0099 dated 07.08.2017 registered under Section 306 of the IPC at Police Station Bullowal, District Hoshiarpur (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

09.01.2020

Kavneet Singh

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No