

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

268

CRM-M-50209 of 2019

Date of Decision:-10.01.2020

Baljeet Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Durga Dutt Sharma, Advocate
for the petitioners.

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

Mr. Saleem Malik, Advocate
for respondent No. 2.

ARUN KUMAR TYAGI,J. (ORAL)

The petitioners-**Baljeet Singh, Bheema Singh, Gurpreet Singh, Golo Kaur, Manpreet Singh and Jeeti Kaur** 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. 215 dated 22.10.2019 registered under Sections 148, 457, 380, 427 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sangat, District Bathinda (**Annexure-P1**) and all consequential proceedings arising therefrom on the basis of Compromise Deed dated 09.11.2019 (**Annexure-P2**) effected with **Gurpreet Singh.**

The above said FIR was lodged by respondent No.2 Gurpreet Singh s/o Veer Singh resident of Jassi Bagwali, District Bathinda stating that his brother Gurlal Singh had taken away a girl namely Kammu d/o Baljit Singh resident of Jassi Bagwali about 23 days ago in order to solemnize marriage with her. In the night of 21.10.2019 Baljeet Singh s/o Sadhu Singh, Bheema Singh s/o Gareeb Singh, Gurpreet Singh s/o Jeera Singh, Golo w/o Kakka Singh, Manpreet Singh s/o Baljeet Singh, Jeeti Kaur w/o Wajir Singh residents of Jassi Bagwali and Bhoora Singh s/o not known r/o Sukh Ladhi armed with *Gandasa* and sticks entered into his house at the time when he and his wife had gone to his in-laws house at Sangat Kalan. They damaged his belongings i.e. cooler, fridge, table, bed etc. with sharp weapon. They all took away a gold *kara*, 2 gold rings and ear rings weighing 2 *Tolas* gold valuing Rs. 58,000/-. He came to know about the incident when he came back from Sangat Kalan to his house at Jassi Bagwali.

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.

Vide order dated 26.11.2019 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 17.12.2019.

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

At this stage, Mr. Saleem Malik, Advocate has

appeared and filed his power of attorney on behalf of respondent No.2 and 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 29.11.2019 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, Bathinda has recorded the statements of the parties and submitted report dated 11.12.2019. The operative part of the same reads as under:-

“ Statements of complainant Gurpreet Singh son of Veer Singh and accused Gurpreet Singh, accused Jiti Kaur, Manpreet Singh, Gurpreet Singh, Bheema Singh, Gollo Kaur @ Ranjit Kaur and Baljit Singh on oath recorded. They have stated that they have amicably reached a compromise with the accused persons and they do not want to pursue the matter against them in the court and compromise has been effected between them without any coercion or undue influence on the part of the accused and they have no objection if the case registered against the accused is quashed. The report, alongwith statements of parties, and report and statement of IO SI Baltej Singh, as per which no accused have been declared proclaimed offender and accused

are not involved in any other case and total number of persons arrayed as accused in FIR are 7, statements in original are being sent for kind perusal of your honour, as desired.”

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 Counsel for the complainant has made separate statement today that the complainant has no objection if FIR is quashed qua accused Bhoora Singh @ Boora Singh also.

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/personal in nature and are not of public character and do not have any social impact. The parties have resolved their entire dispute amongst themselves. The settlement has been arrived immediately after the alleged commission of offences when the matter is 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 them if the FIR and all consequential proceedings are not quashed. Therefore, FIR No. 215 dated 22.10.2019 registered under Sections 148, 457, 380 and 427 read with Section 149 of the IPC at Police Station Sangat, District Bathinda

is quashed against all the accused 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