

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

247

CRM-M-49971-2019

Date of Decision : 08.01.2020

Ramjot Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.P.S. Sandhu, Advocate
for the petitioners.

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

Mr. Vedant Gupta, Advocate
for respondent No. 2

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners-**Ramjot Singh, Gurtej Singh and Maninder 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.122 dated 28.08.2018 registered under Sections 452, 323, 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Kharar, District S.A.S. Nagar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 12.07.2019 (**Annexure P-2**) with respondent No. 2 **Navdeep Singh**.

The above said FIR was registered on statement of respondent No.2-Navdeep Singh. In his statement, Navdeep Singh alleged that on 26.08.2018 when he was at his residence alongwith his family members, then at about 10.30 P.M., Ramjot Singh, Gurtej Singh alias Teji and Maninder Singh alias Debi

armed with dandas knocked at the door of his house. When he opened the door, accused Ramjot Singh gave danda blow which fell on his lips. Accused Gurtej Singh gave danda blow on his forehead. Accused Maninder singh alias Debi also caused him injuries. They pushed him inside the house and also inflicted injuries on his person while he was laying on the ground. On hearing the noise his family members came and the accused persons fled from the spot.

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 25.11.2019, 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.122 dated 28.08.2018 registered under Sections 452, 323, 506 and 34 of the Indian Penal Code, 1860 at Police Station Kharar, SAS Nagar and all subsequent proceedings arising therefrom.

Notice of motion for 17.12.2019.

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

At this stage, Mr. Vedant Gupta, Advocate has appeared on behalf of respondent No.2 and filed his memo of appearance which is taken on record and also undertakes to file power of attorney on the next date of hearing. 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 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 terms of aforesaid order, learned Judicial Magistrate 1st Class, Kharar has recorded the statements of the parties and submitted report dated 09.12.2019. The relevant part of the same reads as under:-

“..... The statements of the complainant Navdeep Singh and accused Ramjot Singh, Gurtej Singh and Maninder Singh have been recorded by the Court as per the directions of the Hon'ble High Court vide order dated 25.11.2019. Complainant Navdeep Singh has suffered a statement that in the above said FIR only three persons namely Ramjot Singh, Gurtej Singh and Maninder Singh were arrayed as accused in the present case and he has compromised the matter in dispute with the accused Ramjot Singh, Gurtej Singh and Maninder Singh and the compromise is without any fear and pressure, coercion or undue influence. He further stated that he has seen the copy of compromise, which is correct. He further stated that in the present case, no accused has been

declared as Proclaimed Offender and no other accused except the present accused has been involved in the present case. He further stated that he has no objection, if the present FIR is quashed by the Hon'ble High Court against accused persons namely Ramjot Singh, Gurtej Singh and Maninder Singh. He has further placed on record photocopy of his Aadhar Card as Mark-A and copy of compromise as Mark-A1. Same statement has been recorded by the appearing accused persons namely Ramjot Singh, Gurtej Singh and Maninder Singh and they have also placed on record, photocopies of their Adhaar Cards as Mark-B to Mark-D.

However, this Court is satisfied after examining the parties personally that compromise is genuine and correct and the parties are not under any pressure, threat, undue influence etc. and are making compromise out of their free will. Further, as per the statement of the complainant, no accused has been declared as Proclaimed Offender/Person and as per the statement of I.O. ASI Balraj Singh in the present FIR, there are only three accused Ramjot Singh, Gurtej Singh and Maninder Singh involved in the present case. He further stated that no accused has been declared as P.O. in the present case and except the present case, accused stated above have not been involved in any other case. The present case is at the stage of awaiting police report. In this regard, statements of the parties are also recorded by this Court and the same are sent herewith for your kind perusal.”

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, Kharar 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 and do not have any social impact. 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.122 dated 28.08.2018 registered under Sections 452, 323, 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Kharar, District S.A.S. Nagar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

08.01.2020

Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

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