

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

272

CRM-M-52472-2019
Date of decision : 04.02.2020

Gurpreet Singh @ Yuvraj SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Dharminder Singh Randhawa, Advocate
for the petitioner.

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

Mr. Narinder Singh, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Gurpreet Singh @ Yuvraj** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.267 dated 25.12.2009 (**Annexure P-1**) registered under Sections 3, 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Payal, Police District Khanna, District Ludhiana, from which Sections 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were deleted later on, and all subsequent proceedings arising therefrom including order dated 23.04.2013 passed by the learned Special Judge, Ludhiana (**Annexure P-2**) whereby the petitioner has been declared 'Proclaimed Person' in view of the compromise (**Annexure P-3**) effected with respondent No.2-**Ramdass**

Singh.

Briefly stated, the above said FIR has been registered on complaint made by Ramdass Singh to In-Charge, Police Post Malaud. In the complaint, Ramdass Singh alleged that on 23.10.2009 while he was working on a shop, accused-Gurpreet Singh @ Yuvraj Singh, who was highly drunk, came to his shop and started abusing him in the name of his caste. 10-15 persons gathered there and witnessed the occurrence. Due to insult he felt depressed to commit suicide but the 10-15 persons who gathered there dissuaded him from committing suicide and persuaded the accused to leave but the accused after reaching his house again abused him by making telephonic call and threatened to kill him.

The petitioner has filed the present petition for quashing of proclamation order on the ground that he went to South Africa to earn his livelihood and he was declared proclaimed person without due service and quashing of the FIR on the ground that now with the intervention of respectables, the matter has been amicably compromised between the parties.

While issuing notice of motion on 10.12.2019, the following order was passed by this Court:-

“Learned Counsel for the petitioner while referring to Annexure P-3 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.267 dated 25.12.2009 registered under Sections 3, 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Payal, Police District Khanna, District Ludhiana and all subsequent proceedings arising therefrom including order dated 23.04.2013 passed by the Special Judge, Ludhiana whereby the petitioner has been declared 'Proclaimed Person'.

Learned Counsel for the petitioner has submitted that the petitioner was in foreign country and service of the

petitioner could not be effected and the petitioner had no knowledge about proclamation proceedings against him. Now, the petitioner has returned back to India and with the intervention of respectables, both the parties have entered into a compromise.

Notice of motion for 15.01.2020.

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

At this stage, Mr. Narinder Singh, Advocate has appeared and filed power of attorney on behalf of respondent No.2 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.

The petitioner is directed to appear before the trial Court on 16.12.2019 and on such appearance, he shall be released by the Trial Court on interim bail on furnishing of bail bonds by him to the satisfaction of the trial Court.

The complainant is also directed to appear before the trial Court/Illaqa Magistrate on 16.12.2019. The Trial Court is directed to record statements of the parties on that date or any other date convenient to the Court regarding the compromise. Trial Court/Illaqa 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 the compromise is genuine, voluntary and without any coercion or undue influence.
3. Whether the accused persons are involved in any other case or not.
4. Current stage of the case.

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

Trial Court/Illaqa 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 the above said order, learned Additional District and Sessions Judge, Ludhiana has recorded the statements of both the parties and submitted report dated 08.01.2020.

The relevant part of the same reads as under:-

“In this regard, I have the honour to submit that on 03.01.2020 both the parties i.e. complainant Ram Dass

Singh, accused Yuvraj Singh @ Gurpreet Singh alongwith Anil Joshi Investigating Officer appeared before this Court. Statements of complainant Ram Dass Singh, accused Yuvraj Singh @ Gurpreet Singh and Anil Joshi Investigating Officer were recorded. Complainant and accused stated inter-alia that they have compromised with each other with the intervention of respectable of locality and relatives without any coercion or undue pressure. Statements of Gurjant Singh Municipal Councilor and Amandeep Singh Panch have also been recorded, who known to the complainant and accused of the present case.

The report on the point as sought by Hon'ble High Court is as under:-

- (i) Only one person namely Yuvraj Singh @ Gurpreet Singh arrayed as accused in this case.
- (ii) From the statements of the parties, it appears that compromise is genuine and has been entered into voluntarily, without any coercion or undue influence between the parties.
- (iii) As per above statements of the complainant and Investigating officer, they have no knowledge that the accused is involved in any other case.
- (iv) For awaiting further order of Hon'ble High Court ”

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2 and gone through the relevant record.

A perusal of the report of learned Additional District and Sessions Judge, Ludhiana 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 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 ***Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255 and Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.***

The offence involved in the present case is overwhelmingly and predominantly of private/personal character. The

parties have resolved their entire dispute between themselves. Compromise will restore cordial relations between the parties and will contribute to peace and harmony in the society. In view of the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings including order dated 23.04.2013 passed by the Special Judge, Ludhiana whereby the petitioner has been declared 'Proclaimed Person' are not quashed. Therefore, FIR No.267 dated 25.12.2009 (**Annexure P-1**) registered under Sections 3, 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Payal, Police District Khanna, District Ludhiana (from which Sections 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were deleted later on) is quashed along with all consequential proceedings arising therefrom including order dated 23.04.2013 passed by the Special Judge, Ludhiana whereby the petitioner has been declared 'Proclaimed Person'.

The petition is allowed accordingly.

04.02.2020

kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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