

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

280

CRM-M-52858-2019

Date of Decision : 16.01.2020

Sandeep Singh

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for respondent No. 1-State

None for respondent No. 2

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner-**Sandeep Singh** has 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.0124 dated 12.09.2019 registered under Sections 341 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Bahavwala, District Fazilka (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 10.10.2019 (**Annexure P-2**) effected with **Jagsir Singh**.

The above said FIR was registered on complaint made by respondent No.2-Jagsir Singh to Deputy Superintendent of Police (Rural) Balluana. In the complaint, Jagsir Singh alleged that he is '**majhabi Sikh**' by caste and working as '**siri**' with Iqbal Singh son of Wassawa Singh and plies his tractor. On 27.07.2019 at about 08.30 P.M., he was driving tractor trolley back to

the village after getting the diesel filled in the tractor. Iqbal Singh son of Major Singh was also sitting with him on the tractor at that time. When they reached at the bridge of the village accused Sandeep Singh, who was drunk, brought his Gypsy ahead of his tractor. He blew horn but he did not give side and kept on hurling abuses in the name of his caste. On reaching near the police post, accused Sandeep Singh got his tractor stopped, started hurling abuses in the name of his caste and threatened to shoot him by bringing the gun from his house. Ranjit Singh and Wassawa Singh, who were going for walk, also asked accused Sandeep Singh not to do so but accused Sandeep Singh also abused them. On their advice he went to the Police Post to give information in this regard but accused Sandeep Singh kept making rounds outside the Police Post while raising lalkaras, uttering derogatory words and extending threats of criminal intimidation. When the police tried to apprehend him, he fled from the spot. The motive for the occurrence was that he had did not cast vote in the Panchayat election as per wishes of accused Sandeep Singh.

The petitioner has 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 11.12.2019, 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.0124 dated 12.09.2019 registered under Sections 341 and 506 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Bahawwala, District Fazilka and all subsequent proceedings arising therefrom.

Notice of motion for 16.01.2020.

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. Gursimran Singh Bawa, 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/Illaqa Magistrate on 17.12.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. 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 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/Illaqa 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, Abohar has recorded the statements of both the parties and submitted report dated 06.01.2020. The relevant part of the same reads as under:-

“..... that in compliance of above said order of Hon'ble High Court, complainant Jagsir Singh as well as accused Sandeep Singh appeared in the court and their statements

regarding compromise have been recorded. The complainant as well as accused have been identified by their respective counsel. The statement of Investigating Officer to know how many victim/complainants are there in the FIR has also been recorded. Further, in reply to above said query, it is submitted as under :

- 1. As per record, there is only one accused in the present case namely Sandeep Singh.*
- 2. As per record, the accused has not been declared as proclaimed offender.*
- 3. The compromise arrived at between the complainant Jagsir Singh as well as accused Sandeep Singh is genuine, voluntary and without any coercion or undue influence, being outcome of their free will and consent.*
- 4. As per statement of Investigating officer, no other case is pending against above said accused at Police Station Bahav Wal.*
- 5. The accused has not been arrested and no challan has been presented.*

It is further submitted that as per the record, there is only one victim/complainant namely Jagsir Singh in the aforesaid FIR.”

No reply has been filed on behalf of respondent No.1 State of Punjab.

I have heard learned Counsel for the petitioner and learned State Counsel 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 Ist Class, Abohar 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 are of private nature. The parties have resolved their entire dispute among themselves. The case is at the stage of initial investigation as accused has not been arrested and challan has not been presented.

In view of the facts and circumstances of the case, the possibility of conviction of the petitioners is very 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 are not quashed. Therefore, FIR No.0124 dated 12.09.2019 registered under Sections 341 and 506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Bahavwala, District Fazilka (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

16.01.2020

Rajeev/Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

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