

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

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CRM-M-52513-2019

Date of decision : 19.02.2020

Sakander Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. S.S. Ranghi, Advocate
for the petitioner.

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

Mr. S.S. Dhaliwal, Advocate
for respondents No.2 to 5.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Sakander 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.39 dated 06.06.2018 registered under Section 306 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station Joga, District Mansa (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-4**) effected with respondents No.2 to 5-**Lovepreet Singh, Randeep Kaur, Khushdeep Kaur and Sujan Kaur**.

Briefly stated, the above said FIR was registered on statement of Lovepreet Singh alleging that on 06.06.2018 he and his father-Bhagwan Singh along with their servant-Satnam Singh went to their fields for drain work. His father was looking disturbed and in angry mood and told him that his signatures had been forcibly taken on blank papers and complained about harassment by Sakander Singh, Patwari. He went to take a round in the field and his father was sitting

on chair outside the room constructed in their filed. At about 11:30 a.m. he heard the noise of fire shot and when he rushed there, he saw his father had committed suicide by firing a shot under his chin with his licensed revolver and died on the spot. His father committed suicide due to harassment by Sakander Singh, Patwari and others. The police investigated the matter and on the basis of inquiry report, SSP, Investigation, Mansa submitted cancellation report. Learned Chief Judicial Magistrate, Mansa vide order dated 04.01.2019 directed the SHO, Police Station Joga, District Mansa to reinvestigate the matter. During pendency of the matter for reinvestigation, the parties have compromised and the petitioner has filed present petition for quashing of the FIR and all consequential proceedings arising therefrom on the basis of the compromise.

Vide order dated 09.12.2019, Coordinate Bench of this Court directed the private parties to appear before the trial Court/Duty Magistrate on 19.12.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before the next date of hearing i.e. on 19.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Additional Sessions Judge, Mansa has recorded the statements of both the parties and submitted report dated 18.01.2020. The relevant part of the same reads as under:-

“As per the directions of the Hon'ble High Court, the parties namely, Lovepreet Singh complainant, Randeep Kaur, Sujan Kaur, Accused Sakander Singh appeared in

the Court on 10.01.2020 and their statements were recorded. Parties have also placed on filed photostat copy of Aadhar Card of Lovepreet Singh Ex.C-1, copy of original compromise Ex.C-2, photostat copy of Aadhar Card of Randeep kaur Ex.C-3, photostat copy of Aadhar Card of Sujan Kaur Ex.C-4 and photostat copy of Aadhar Card of Sakander Singh Ex.C-5.

Respondent Khushdeep Kaur has not come present in the Court. She is stated to be minor. Perusal of the compromise Ex.C-2 shows that there is no signatures of other eye-witnesses. Hence, this compromise cannot be said to be genuine and voluntary.

Petitioner Sakander Singh is on bail, but perusal of FIR reveals that there are two unknown accused and investigation is pending.

As per statement of HC Iqbal Singh, Investigating Officer, no other proceedings are pending against petitioner Sakander Singh.”

It may also be observed here that respondent No.4-Khushdeep Kaur daughter of deceased Bhagwan Singh, who is stated to be minor, had signed the compromise deed. Her statement could not be recorded by learned Additional Sessions Judge, Mansa. However, respondent No.3-Randeep Kaur mother of respondent No.4-Khushdeep Kaur being her guardian has signed the compromise as well as made the statement before the Court.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondents No.2 to 5 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 ***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.***

In ***Sucha Singh and others Vs. State of Punjab and another : 2011 (7) RCR (Criminal) 2456*** FIR under Section 306 of the IPC was quashed by this Court on the basis of compromise.

A perusal of the report of Additional Sessions Judge, Mansa 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.

The offence involved in the present case is overwhelmingly and predominantly of private character. The parties have resolved their entire dispute. The compromise has been arrived at between the parties at the initial stage. The compromise will restore cordial relations between the parties and contribute to peace and harmony in the society. In view of the facts and circumstances of the case, the possibility of conviction of the petitioners is remote and bleak. 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.

Therefore, FIR No.39 dated 06.06.2018 registered under Section 306 of the IPC at Police Station Joga, District Mansa (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

19.02.2020

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(ARUN KUMAR TYAGI)
JUDGE

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