

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

266

CRM-M-55129-2019

Date of Decision : 24.01.2020

Gurditt Singh @ Mahinder and Others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Naveen Bawa, Advocate
for the petitioners.

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

Mr. Vishnu Dutt, Advocate
for respondents No. 2 and 3

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners-**Gurditt Singh @ Mahinder, Varinder Singh @ Mani and Karamjot 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.158 dated 07.09.2019 registered under Sections 307 and 323 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Division No. 2, District Ludhiana (**Annexure P-1**), from which Section 307 of the IPC was deleted and to which Sections 296 and 325 of the IPC were added later on, along with all consequential proceedings arising therefrom in view of the compromise dated 06.11.2019 (**Annexure P-2**) with complainants-**Harpal Singh and Malkiat Singh**.

Briefly stated, the above said FIR was registered on statement of

he alongwith Balwinder Singh and Harpal Singh s/o Mohan Singh were sitting on chairs in Gurudwara Shri Chand Sahib, accused Karamjot Singh @ Happy turned air cooler to his side and when he objected, accused Karamjot Singh @ Happy started to abuse him. When he asked accused Mahinder @ Gurditt Singh to make him understand, accused Karamjot Singh @ Happy gave blow with 'kara' which he was wearing in his right hand on his head resulting in bleeding. The devotees intervened there and he went home. After about 15.20 minutes when he and his cousin Malkiat Singh, Kundan Singh and other family members were standing outside his house, accused-Karamjot Singh @ Happy, Mahinder @ Gurditt Singh and Mani came there, raised lalkara and pelted tiles used in the street. Accused Mani gave blow with tile on the head of Malkiat Singh who fell down, started bleeding and became unconscious. When they raised hue and cry the accused fled from the spot. The occurrence was witnessed by Harpal Singh son of Mohan Singh.

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.

Vide order dated 20.12.2019 this Court while issuing notice of motion which was accepted by learned State Counsel and learned Counsel for the complainant directed the private parties to appear before the trial Court/Illaq Magistrate on 04.01.2020 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 report before the next date of hearing i.e. 24.01.2020.

In terms of aforesaid order, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of both the parties and submitted report dated 15.01.2020 that compromise has been voluntarily effected between the parties. The

criminal proceedings are pending between the parties. Perusal of record reveals that no accused has been declared as Proclaimed Offender in this case.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.2 and 3 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)**

A perusal of the report of learned Judicial Magistrate 1st Class, 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 the compromise effected between the parties in this case.

The offences involved in the present case are overwhelmingly and predominantly of private/personal character. The parties have resolved their entire dispute among themselves. 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.158 dated 07.09.2019 registered under Sections 307 and 323 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Division No. 2, District Ludhiana (**Annexure P-1**), from which Section 307 of the IPC was deleted and to which Sections 296 and 325 of the IPC were added later on, is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

24.01.2020

Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

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