

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

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**CRM-M-61984-2018 (O&M)
Date of decision: 14.01.2020**

Arundip @ Arun and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sunil Agnihotri, Advocate
for the petitioners.

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

Mr. Vishal Munjal, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Arundip @ Arun, Reena Rani @ Beena
**Rani, Balbir Singh, Onkar Singh, Kamlesh Kaur, Satpal Singh,
Jaswant Kaur, Purshotam Lal, Darshan Singh @ Darshan Lal and
Krishna Devi** have filed the present petition under Section 482 of the
Code of Criminal Procedure, 1973 for quashing of FIR No.76 dated
21.05.2015 registered under Sections 379, 447, 427, 506, 148 and 149 of
the Indian Penal Code, 1860 (for short "the IPC") at Police Station
Mukerian, District Hoshiarpur (**Annexure P-1**) along with all
consequential proceedings arising therefrom in view of the compromise
dated 06.12.2018 (**Annexure P-2**) effected with respondent No.2-
Mahinder Singh.

The above said FIR was registered on the statement of
respondent No.2-Mahinder Singh who alleged that he had purchased

land measuring 5K-15M in village Kalu Chang, HB No.287, Khewat No.187-159 Khatauni No.218, from Karam Kaur wife of Gulzar Singh resident of Mukerian. He had been cultivating the land but after some time, he executed an agreement to sell the said land in favour of Darshan Singh son of Govind Dass and others and on the same day possession was given. Darshan Singh etc. are cultivating the land but neither they got sale deed executed nor paid any amount to him. They did not vacate the land and illegally got girdawari entered in their name. The court cases filed were decided in his favour. He filed case for possession in the Court of Sub Divisional Judicial Magistrate, Mukerian and on 20.02.2015, they went to village Kalu Chang to get the possession. Darshan Singh and others insulted the police employes, Patwari, Kanungo and Naib Tehsildar regarding which a case was registered against them. Darshan Singh had sown wheat crop on the land. Cost of Rs.16,731/-was deposited in the Court of Sub Divisional Judicial Magistrate, Mukerian and possession was taken by him. On 29.04.2015 at about 06:00 AM, when the complainant along with his brother Krishan Singh and Kewal Singh son of Ram Singh went to their land, they saw that Satpal, Onkar Singh, Purshotam Lal, Darshan Singh, Balbir Singh, Krishna Kumari, Kamlesh Kumari, Jaswant Kaur, Beena Kumari and Arun residents of village Kalu Chang had cut down their wheat crop and stolen the same. When they asked the above-said persons as to why they had done it, the above-said persons threatened them.

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 and they have resolved their differences.

The Co-ordinate Bench of this Court vide order dated 29.01.2019 directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their statements and also directed the Illaqa Magistrate/Trial Court to submit its report with regard to authenticity and genuineness of compromise after recording statement of all the affected parties. Relevant part of order dated 29.01.2019 reads as under:-

"The parties are directed to appear before the Illaqa Magistrate/trial Court on 25.2.2019 for recording their statements qua compromise.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statement of all the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:

1. Whether there is any other accused other than the petitioners, arrayed in this petition.

2. Whether there is any other complainant or affected/ aggrieved party other than the respondents, arrayed in the petition."

Subsequently, the Coordinate Bench of this Court vide order dated 25.07.2019 extended time for recording of statements of the parties and directed the Illaqa Magistrate/Trial Court to submit its report.

In compliance of the above said order, learned Judicial Magistrate 1st Class, Mukerian has recorded the statements of the parties and submitted report dated 01.08.2019. The relevant part of the

same reads as under:-

"In pursuant to the above said order dated 25.07.2019, complainant namely Mohinder Singh son of Jawala Singh resident of Village Patial, Tehsil Mukerian, District Hoshiarpur (referred to as Respondent No.2 in CRM-22005 of 2019 in CRM-M-61984 of 2018 before the Hon'ble High Court) and all the accused namely Arundeeep alias Arun son of Darshan Singh, Reena Rani alias Beena Rani wife of Darshan Singh, Balbir Singh son of Gobind Dass, Onkar Singh son of Gobind Dass, Kamlesh Kaur daughter of Gobind Dass, Satpal Singh son of Gobind Dass, Jaswant Kaur wife of Purshotam Lal, Purshotam Lal son of Gobind Dass, Darshan Singh alias Darshan Lal son of Gobind Dass, all residents of Village Kalu Chang, Tehsil Mukerian, District Hoshiarpur and Krishna Devi wife of Vijay Kumar resident of Village Kalu Chang, Tehsil Mukerian, District Hoshiarpur at present residing at village Changarwan, PS Hajipur, District Hoshiarpur (referred to as Petitioners No.1 to 10 in CRM-22005 of 2019 in CRM-M-61984 of 2018 before the Hon'ble High Court) appeared before me being the trial Court on 31.07.2019.

In compliance with the order dated 25.07.2019, statement of complainant namely Mohinder Singh (referred to as Respondent No.2 in CRM-22005 of 2019 in CRM-61984 of 2018 before the Hon'ble High Court) was recorded in the Court wherein he has stated that with the intervention of the respectables of the area, he has voluntarily effected compromise with the accused namely Arundip @ Arun, Reena Rani @ Beena Rani, Balbir Singh, Onkar Sigh, Kamlesh Kaur, Satpal Singh, Jaswant Kaur, Parshotam Lal, Darshan Singh @ Darshan Lal and Krishna Devi (referred to as petitioners No.1 to 10 in CRM-22005 of 2019 in CRM-M-61984 of 2018 before the Hon'ble High Court) out of his free will and without any pressure, undue influence, coercion, inducement, threat or promise from any side. In view of the compromise effected between us, the present FIR may be quashed.

Similarly, separate statements of accused namely Arundeeep alias Arun son of Darshan Singh, Reena Rani alias Beena Rani wife of Darshan Singh, Balbir Singh son of Gobind Dass, Onkar Singh son of Gobind Dass, Kamlesh Kaur daughter of Gobind Dass, Satpal Singh son of Gobind Dass, Jaswant Kaur wife of Purshotam Lal, Purshotam Lal son of Gobind Dass, Darshan Singh alias Darshan Lal son of Gobind Dass and Krishna Devi wife of Vijay Kumar (referred to as Petitioners No.1 to 10 in CRM-22005 of 2019 in CRM-M-61984 of 2018 before the Hon'ble High Court) were also recorded wherein they have stated that with the intervention of the respectables of

the area, they have voluntarily effected compromise with the complainant Mohinder Singh son of Jawala Singh resident of village Patial, Tehsil Mukerian, District Hoshiarpur out of their free will and without any pressure, undue influence, coercion, inducement, threat or promise from any side. In view of the compromise effected between us, the present FIR may be quashed.

Both the parties have been identified by their counsels, respectively.

It is further respectfully submitted that from the statements recorded in the Court and from the conduct of the parties, this court is satisfied that compromise arrived at to the extent of parties present in the court is genuine and without any pressure, undue influence, coercion, inducement, threat or promise from any side.”

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 ***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.***

A perusal of the report of learned Judicial Magistrate 1st Class, Mukerian 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 present case is overwhelmingly and predominantly of private character. The parties have resolved their entire dispute among themselves. The compromise has been arrived at between the parties at the initial stage. In view of the facts and circumstances of the case, the possibility of conviction of the petitioners is 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.76 dated

21.05.2015 registered under Sections 379, 447, 427, 506, 148 and 149 of the IPC at Police Station Mukerian, District Hoshiarpur (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

14.01.2020

Vinay/Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

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