

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

245

CRM-M-2965-2020

Date of decision : 22.07.2021

Paramjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. G.S. Bajwa, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondent No.1-State.

Ms. Sonali Mahajan, Advocate for
Mr. Navneet Singh, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioners-**Paramjit Singh, Mohinder Singh and Bhupinder 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.18 dated 16.02.2019 registered under Sections 420, 385 and 386 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Talwandi Chaudrian, District Kapurthala (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-2**) effected with respondent No.2-**Sukhwinder Singh**.

The above said FIR was registered on statement of respondent No.2-Sukhwinder Singh who inter alia alleged that Paramjit

Singh (petitioner No.1) and Mohinder Singh (petitioner No.2) cheated him by giving him false assurance of doubling his money. Initially they took amount of Rs.2,50,000/- from him and when he demanded his money back they threatened to kill him and harm his family. After pressurising him they again took amount of Rs.2,00,000/- from him. During investigation Paramjit Singh (petitioner No.1) and Mohinder Singh (petitioner No.2) were arrested who disclosed name of Bhupinder Singh (petitioner No.3) as their accomplice.

The petitioners have filed the present petition for quashing of the FIR on the grounds that with the intervention of respectables, the parties have compromised the matter.

Vide order dated 23.01.2020, this Court directed the private parties to appear before the Trial Court/Illaq Magistrate on 29.01.2020 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 a report before 17.02.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial Magistrate First Class, Sultanpur Lodhi has recorded the statements of both the parties and submitted report dated 10.02.2020. The relevant part of the same reads as under:-

“In accordance with the aforesaid order, on dated 29.01.2020 Sukhwinder Singh complainant/respondent s/o Jeet Singh R/o Village Mullahawaha, District Kapurthala suffered statement to the effect that matter has been compromised with the petitioners/accused without any threat, under influence or coercion, with the intervention of respectables. The complainant/respondent was duly identified by his counsel.

Similarly, petitioners/accused namely Paramjit

Singh S/o Pritam Singh, R/o village Muradpur, District Kapurthala, Mohinder Singh S/o Hashmat Singh, R/o village Bhaini Husse Khan, Tehsil and District Kapurthala and Bhupinder Singh S/o Pritam Singh R/o Jawala Singh Nagar, Sultanpur Lodhi, District Kapurthala petitioners were appeared in the Court and got recorded their statements before the undersigned with regard to compromise of the matter in the above said criminal miscellaneous. Accused/petitioners were duly identified by their counsel.

Statement of SI Jasbir Singh Belt No. 246/Kpt, being Investigating Officer in the present case was also recorded to the effect that no other criminal proceedings pending between/against either of the parties. He further submitted that none of the accused of the present FIR is declared proclaimed offender and submitted that Section 120-B was also added at later stage.

In view of the statements suffered by the parties, both the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence. Thereafter, parties have also signed/thumb marked on their respective statements. Gist of the statements is that deponents have no grudge or revenge with each other and they want to live peacefully to avoid untoward incident in the future. Further no criminal proceedings are pending against either of the parties. Further, challan is not presented in the present case.....”

The petition has been opposed by respondent No.1-State.

However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner, 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 First Class, Sultanpur Lodhi 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 if the FIR and consequential proceedings arising therefrom are quashed on the basis of compromise between the parties.

The offences involved in the present case are

overwhelmingly and predominantly of private character and do not have any social impact. The parties have resolved their entire dispute. 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.

Accordingly, the petition is allowed and FIR No.18 dated 16.02.2019 registered under Sections 420, 385 and 386 read with Section 34 of the IPC in Police Station Talwandi Chaudrian, District Kapurthala **(Annexure P-1)** is quashed along with all consequential proceedings arising therefrom.

22.07.2021

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(ARUN KUMAR TYAGI)
JUDGE

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