

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

249

**CRM-M-5714-2021
Date of decision : 26.03.2021**

KULDIP SINGH AND ANOTHER

.....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sant Kashyap, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana
for respondent No.1-State.

Mr. Sunil Kumar, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Kuldip Singh and Amanpreet Singh alias Amandeep Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.82 dated 08.12.2020 registered under Sections 323, 452, 506 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC") at Police Station Mansa Devi Complex, Panchkula, Haryana (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise dated 21.01.2021 (**Annexure P-2**) effected with respondent No.2-

Jaswant Singh.

Briefly stated, the above said FIR was registered on complaint of Jaswant Singh. In his complaint, Jaswant Singh alleged that he is active worker of BJP, Panchkula. On 07.12.2020 at about 10.00 P.M. when he was sleeping in his house alongwith his family members, Kuldip Singh and Amandeep Singh @ Amanpreet Singh alongwith some other villagers armed with weapons trespassed into his house, attacked him, gave beating to him, removed his turban and threatened him for not supporting their candidate Sukha.

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 and they have resolved their differences.

Vide order dated 09.02.2021 this Court directed the private parties to appear before the trial Court/Illaqa Magistrate on 18.02.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaqa Magistrate to submit a report before the next date of hearing i.e. on 26.03.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Additional Chief Judicial Magistrate, Panchkula has recorded the statements of the parties and submitted report dated 24.02.2021. The relevant part of the same reads as under:-

“..... the compromise arrived between the complainant Jaswant Singh and accused Kuldeep Singh and Amanpreet Singh @ Amandeep Singh appears to be

genuine, voluntary and entered into without any coercion or undue influence. Separate statement of the complainant as well as accused was also recorded. Complainant categorically submitted in his statement that he has entered into the compromise Ex.PA with his free will and he has no objection in case FIR against the accused persons is quashed. Both the accused namely Kuldeep Singh and Amanpreet Singh @ Amandeep Singh also affirmed the fact of compromise in their joint statement.....”

No reply to the petition has been filed by respondent No.1-State.

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 Additional Chief Judicial Magistrate, Panchkula 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 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 among themselves. 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.

In view of the above discussion the petition is allowed and FIR No.82 dated 08.12.2020 registered under Sections 323, 452, 506 read with Section 34 of the IPC at Police Station Mansa Devi Complex, Panchkula, Haryana (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

26.03.2021

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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