

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

125

CRM-M-6859-2021

Date of decision: 08.04.2021

Rajinder Parshad and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Dinesh Nagar, Advocate
for the petitioners.

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

Ms. Vibha, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Rajinder Parshad** and **Amardeep** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 72 dated 29.10.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Pojewal, District S.B.S. Nagar (Nawanshahr) (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 25.01.2021 (**Annexure P-2**) effected with respondent No.2- Paramjit.

The above said FIR was registered on complaint made by respondent No. 2 - Paramjit to the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar. In the complaint, respondent No. 2 -

Paramjit alleged that accused Rajinder Parshad and Amardeep (petitioners No. 1 and 2) in conspiracy with each other defrauded him and dishonestly induced him to pay amount of Rs. 1,93,000/- on the pretext of sending his son Ashok Kumar abroad.

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.

Vide order dated 15.02.2021, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 01.03.2021 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 07.04.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate First Class, Balachaur, S.B.S. Nagar has recorded the statements of both the parties and submitted report dated 02.04.2021. The relevant part of the same reads as under:-

"... Both the parties i.e. complainant and accused persons appeared before the Court of Ld. SDJM, Balachaur on 01.03.2021 as on that day the undersigned was on leave. Statement of complainant Paramjit son of Narsi Ram, resident of village Tapparain, Tehsil Balachaur has been recorded wherein, who has been stated that with the intervention of respectables of locality and family members, he has compromised the dispute with the accused persons namely Rajinder Parshad and Amardeep. She is making this statement voluntarily without any

pressure and coercion.

Further, SI Surinder Kumar No. 04/SBS Nagar, posted at Police Station City, Pojewal, District Shaheed Bhagat Singh Nagar who is investigating officer in the above noted case under FIR No. 0072 dated 29.10.2020 under Sections 406, 420 IPC, Police Station, Pojewal, District Shaheed Bhagat Singh Nagar appeared in the Court of undersigned and suffered his statement that the present case was registered on the statement of complainant Paramjit Singh son of Narsi Ram, resident of village Tapparua Khurd, Tehsil Balachaur, District Shaheed Bhagat Singh against the accused Rajinder Parshad and Amardeep sons of Hari Kishan resident of Ward No. 19, Prem Nagar Dhakki, Pathankot. In the present case, there is only one victim/complainant i.e. the said Paramjit and there are only two accused i.e. Rajinder Parshad and Amardeep sons of Hari Kishan are involved in the present case. No other case is pending against the accused persons as per the record of our police station. The accused persons are not declared as proclaimed offender in the present case.

Thus, from the statement of Investigating Officer SI Surinder Pal as well as complainant Paramjit, it is clear that only two persons namely Rajinder Parshad and Amardeep are arrayed as accused and none of them is proclaimed offender in this case. The matter has been compromised voluntarily between the parties and same is genuine without any undue influence, coercion or pressure. However, as per statements of complainant, IO and accused persons complainant wants to quash the FIR of present case.

Undersigned has also questioned the complainant about the veracity and genuineness of compromise and the undersigned is of the view that the compromise is genuine,

voluntary and without any coercion and undue influence upon complainant and only above said two persons are arrayed as accused in this case and none of them is proclaimed offender and in this case, the challan has not been presented till date. Hence, the report is submitted."

No reply to the petition has been filed on behalf of 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 learned Judicial Magistrate First Class, Balachaur, S.B.S. Nagar 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. 72 dated 29.10.2020 registered under Sections 406 and 420 of the IPC at Police Station Pojewal, District S.B.S. Nagar (Nawanshahr) (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

08.04.2021

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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