

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

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**CRM-M-6698-2021
Date of decision: 06.04.2021**

NIHAAL SINGH AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Piyush Sharma, Advocate
for the petitioners.

Mr. H.S. Sullar, DAG, Punjab
for respondent No. 1

Mr. J.S.Grewal, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-Nihaal Singh, Mahinder Singh, Amarjeet Singh, Mangal Singh, Gurmukh Singh, Gurmej Singh, Gurdeep Singh and Gulzar Singh have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.174 dated 01.08.2013 registered under Sections 148, 323, 324 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Ferozepur, District Ferozepur (**Annexure P-1**) (to which Section 326 of the IPC was added later on) along with all consequential proceedings arising therefrom in view of the compromise

dated 23.11.2020 (**Annexure P-2**) effected with respondent No.2-Bahal Singh.

The above said FIR was registered on statement of Bahal Singh who alleged that on 30.07.2013 at about 11.30 P.M., due to political rivalry of Sarpanch's election won by wife of his son Balkar Singh, accused Gurmej Singh, Mohinder Singh, Nihaal Singh, Amarjeet Singh, Jangir Singh, Gurmukh Singh, Gulzaar Singh, Mangal Singh and Gurdeep Singh, armed with sticks, dangs and kappas, came on motorcycles, scuffled with his son Mukhtiar Singh, attacked him and caused simple injuries with blunt and sharp weapons and grievous injury with sharp weapon to him (Bahal Singh). Their supporters also hurled abuses upon them and threatened to eliminate them. When they raised alarm the villagers gathered there on which the above said accused fled from the spot with their respective weapons.

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 26.02.2021 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 06.04.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Additional

Chief Judicial Magistrate, Ferozepur has recorded the statements of both the parties and submitted report dated 12.03.2021. The relevant part of the same reads as under:-

".....From the aforesaid statements, the undersigned is satisfied that the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner and that the compromise effected between the parties is genuine and valid. It is submitted that as per the statement of the Investigating Officer there are total nine persons arrayed as accused in the present FIR namely Nihaal Singh son of Kartar Singh, resident of Village Chandi Wala, District Ferozepur; Mahinder Singh son of Labh Singh, resident of Village Kamale Wala, District Ferozepur; Amarjeet Singh son of Jangir Singh, resident of Village Kamalewala, Tehsil and District Ferozepur; Mangal Singh son of Khushian Singh, resident of Village Kamale Wala, Tehsil and District Ferozepur; Gurmukh Singh son of Kashmir Singh, resident of Village Kamale Wala, Tehsil and District Ferozepur; Gurmej Singh son of Mahinder Singh, resident of Village Kamale Wala, Tehsil and District Ferozepur; Gurdeep Singh son of Khushiya Singh, resident of Village Kamale Wala, Tehsil and District Ferozepur; Gulzar Singh son of Lashman Singh, resident of Village Khundar Gatti, Tehsil and District Ferozepur and Jangir Singh son of Hakam Singh, resident of Village Kamale Wala, Tehsil and District Ferozepur and that none of the accused is proclaimed offender neither they are involved in any other case except the present FIR. It is further submitted that as per the statement of the Investigating Officer, cancellation report was presented in the court of Ld. CJM, Ferozepur and the same was ordered to be returned for further investigation in the matter from some higher police

officials. It is further submitted that there is only one complaint/victim namely Bahal Singh son of Ram Singh resident of Village Kamale Wala, Tehsil and District Ferozepur in the present case.... ."

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 Additional Chief Judicial Magistrate, Ferozepur 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.

In the present case, the compromise has been arrived at between the parties at the initial stage. 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 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.174 dated 01.08.2013 registered under Sections 148, 323, 324 and 506 read with Section 149 of the IPC at Police Station Sadar Ferozepur, District Ferozepur (**Annexure P-1**) (to which Section 326 of the IPC was added later on) is quashed along with all consequential proceedings arising therefrom.

06.04.2021

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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