

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

124

CRM-M-6784-2021

Date of decision: 08.04.2021

Kanwalpreet Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr.Kanwaljeet Singh Brar, Advocate
for the petitioners.

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

Mr. Mandeep Dhot, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Kanwalpreet Kaur** and **Gurmeet Kaur** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 168 dated 17.09.2020 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Kotwali, Bathinda District Bathinda (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 02.02.2021 (**Annexure P-2**) effected with respondent No.2- Lakhwinder Singh.

The above said FIR was registered on complaint made by respondent No. 2 – Lakhwinder Singh to the Senior Superintendent of Police, Bathinda. In the complaint, respondent No. 2 - Lakhwinder

Singh alleged that accused Kanwalpreet Kaur and Gurmeet Kaur (petitioners No. 1 and 2) and Surinder Singh grand maternal uncle of Kanwalpreet Kaur in conspiracy with each other defrauded him and dishonestly induced him to pay amounts of Rs.7,98,500/- and Rs.5,65,000/- and to deposit the fee by making false promise to settle him abroad by showing him to be married with Kanwalpreet Kaur.

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 Chief Judicial Magistrate, Bathinda has recorded the statements of both the parties and submitted report dated 31.03.2021. The relevant part of the same reads as under:-

"....Statement of complainant/respondent No. 2 namely Lakhwinder Singh has been recorded and he stated that he is complainant of case FIR No. 168 dated 17.09.2020, under Sections 420 and 120-B IPC, Police Station Kotwali, Bathinda, registered against the accused-petitioners namely Kanwalpreet Kaur and Gurmeet Kaur only and no other person is named as accused in the present FIR. He is the only victim of present case. With the

intervention of respectables, he has arrived at compromise with the above named accused-petitioners, without any pressure or coercion. The compromise is genuine and voluntary and the same is in the interest of the parties. The accused have filed a petition before Hon'ble High Court bearing CRM-M-6784 of 2021, on the basis of compromise, for quashing the aforesaid FIR registered against them. He has no grudge against the accused/petitioners. He does not want to proceed with present case against the accused. He has no objection if FIR No. 168 dated 17.09.2020, under Sections 420 & 120 IPC, Police Station Kotwali, Bathinda, is quashed. He has brought the original affidavit dated 01.03.2021, copy of which is Ex.CX. He identified his signature over the same. He shall remain bound by the contents of the affidavit Ex.CX. To prove his identity, he has placed on record copy of his Adhar Card. He has also been identified by Sh. Surya Kant, Advocate.

Petitioners Nos. 1 and 2 have also come present and have got recorded their statement with regard to the compromise effected between the parties and they have made request to quash the FIR against them. They have also got recorded that except the present FIR, no other case/FIR is pending against them nor they have ever been declared proclaimed offender in any case nor they have ever been declared proclaimed offender in any case nor they have ever been convicted in any case. Petitioner No. 1 namely Kanwalpreet Kaur has placed on record copy of affidavit dated 01.3.2021 as Ex.CY and has identified her signature over the same. She has also stated that she shall remain bound by the contents of the affidavit Ex.CY. To prove their identity, they have placed on record copy of their respective Adhar Card. They have also been identified by Sh. Amritpal Singh Brar, Advocate.

As per the directions of Hon'ble High Court, Investigating Officer was also called to get his statement recorded. Accordingly Investigating Officer SI Gurmeet Singh No. 852/SMS appeared before the court of the undersigned on 09.03.2021 and got recorded his statement that he is Investigating Officer of case FIR No. 168 dated 17.09.2020, Under Sections 420 & 120-B IPC, Police Station Kotwali, Bathinda, got registered by complainant Lakhwinder Singh against accused-petitioners Kamalpreet Kaur and Gurmeet Kaur only. As per police record, no proclamation proceedings are pending against the accused. There is no other complainant/victim in this case except complainant Lakhwinder Singh. Report under Section 173 of the Code of Criminal Procedure has already been filed in the court on 03.12.2020.

The point wise report is as under :

- 1. In view of the statement of the Investigating officer, present FIR was registered only against accused/petitioners namely Kanwalpreet Kaur and Gurmeet Kaur.*
- 2. In view of the statement of Investigating Officer, no proclamation proceedings are pending against the accused.*
- 3. In view of the statements of the parties, the statements of parties appears to be bonafide. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.*
- 4. In view of the statement of accused/petitioners, they are not involved in any other case.*
- 5. Report under Section 173 of Code of Criminal Procedure has been presented in this case FIR on 03.12.2021 and same is pending for 08.03.2021 for awaiting further orders from Hon'ble High Court as the*

proceedings in the said FIR has been stayed.”

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 Chief Judicial Magistrate, Bathinda 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. 168 dated 17.09.2020 registered under Sections 420 and 120-B

of the I.P.C. at Police Station Kotwali, Bathinda District Bathinda
(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