

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

126

CRM-M-6865-2021

Date of decision: 08.04.2021

Tirath Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prashant Vashisth, Advocate
for the petitioners.

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

Mr. V.K. Kaushal, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J. (ORAL)

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

Petitioners-Tirath, Kuljit Singh @ Sonu, Bhupinder Singh @ Gopi and Gurjit Singh have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 273 dated 10.12.2020 registered under Sections 323, 324, 326 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Jalandhar, Jalandhar City (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 24.12.2020 (**Annexure P-2**) effected with respondent No.2- Balbir Singh.

The above said FIR was registered on statement of respondent No. 2 – Balbir Singh who inter alia alleged that on

01.12.2020 at about 07.15 A.M. accused Tirath, Kuljit Singh @ Sonu, Bhupinder Singh @ Gopi and Gurjit Singh (the petitioners), who were armed with blunt and sharp edged weapons, caused simple hurt with blunt weapons and grievous hurt with sharp edged weapons to him (Balbir Singh), Gurpreet Singh and Sukhwinder Singh @ Sukha.

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 Additional Chief Judicial Magistrate, Jalandhar has recorded the statements of both the parties and submitted report dated 10.03.2021. The relevant part of the same reads as under:-

".....On dated 03.03.2021, respondent No. 2/complainant namely ; Balbir Singh son of Santokh Singh alongwith co-injured namely; Gurpreet Singh and Sukhwinder Singh both sons of Surinder Singh appeared and made joint statement that they have arrived at compromise with petitioners/accused namely; Tirath Singh, Kuljit Singh @ Sonu, Bhupinder Singh @ Gopi and Gurjit Singh voluntarily and without any pressure from any side. They have no objection, if above-said FIR No. 273 dated

10.12.2020 is quashed by the Hon'ble High Court. Similar joint statement was made by all the said petitioners/accused.

Similarly, on dated 05.03.2021, I.O./ASI Rajinder Singh appeared and made statement qua number of victims/complainants in this FIR.

Keeping in view all aspects, statements of the both the parties, of I.O. and as per report of concerned Ahlmad, the requisite information, as sought for, is submitted as under :

- I) Only four persons arrayed as accused in this FIR.*
- II) None of the accused has been declared proclaimed offender.*
- III) The compromise is genuine, voluntary and without any coercion or undue influence.*
- IV) There is no involvement of accused persons in any other case.*
- V) Current stage of case is for consideration on charge and;*
- VI) Only three victims are involved in this FIR.."*

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, Jalandhar 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. 273 dated 10.12.2020 registered under Sections 323, 324, 326 read with Section 34 of the I.P.C. at Police Station Sadar Jalandhar, Jalandhar City (**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