

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

234

CRM-M-7716-2020
Date of decision: 24.02.2021

JATIN @ BHARAT AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Umesh Aggarwal, Advocate
for the petitioners.

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

Mr. Prateek Sodhi, Advocate
for the respondent No.2-complainant.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners- **Jatin @ Bharat, Atul and Ankush** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.311 dated 21.11.2019 registered under Sections 323/324/506/34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom in view of the compromise and affidavit (Annexure P-2) effected with respondent No.2-Shankar.

The above said FIR was registered on statement of Shankar Sharda who inter alia alleged that on 19.11.2019 at about 8:30 p.m. on his name being called by Ankush, he went outside where Atul exhorted others to teach him a lesson for asking them not to stand in front of his house. Accused-Jatin gave blow with datar on his head and accused Atul and Ankush gave him kick blows. When he raised alarm his family members and other residents of locality reached there on which

the accused fled away from the spot.

The petitioners have filed the present petition for quashing of the FIR on the grounds that now with the intervention of family members and respectables, the matter has been amicably compromised between the parties and they have resolved their differences.

Vide order dated 04.03.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 13.03.2020 for recording of their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before next date of hearing i.e. 16.04.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Additional Chief Judicial Magistrate, Amritsar has recorded the statements of both the parties and submitted report dated 21.03.2020. The relevant part of the same reads as under:-

".....Pursuant to the order dated 04.03.2020 passed by the Hon'ble High Court in CRM-M-7716 of 2020, report is hereby submitted that the complainant Shankar s/o Ayudia Parsad and accused persons namely Jatin @ Bharat s/o Rinku Rajput, Atul s/o Raj Kumar and Ankush s/o Raj Kumar appeared in the Court on 21.03.2020 for getting their statements recorded in case bearing FIR No. 311 dated 21.11.2019, under Section 323, 324, 506, 34 of the Indian Penal Code, registered at Police Station Sadar, Amritsar. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any pressure, undue influence or coercion. Following is the requisite information, as directed:-

1. That only three accused namely Jatin @ Bharat s/o

Rinku Rajput, Atul s/o Raj Kumar and Ankush s/o Raj Kumar are arrayed in the present FIR and they have appeared in the Court for recording their statement and that they have never been declared absconding/proclaimed offender. They never involved in any other case as per statement of complainant and accused.

2. That no such case regarding this FIR is pending in the Court of undersigned.

3. That the compromise is genuine, voluntarily and out of free will of the parties.....”

The respondent No.-1-State has not filed any reply to the petition.

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, Amritsar 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, FIR No.311 dated 21.11.2019 registered under Sections 323/324/506/34 of the IPC at Police Station Sadar Amritsar (Annexure P-1) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

24.02.2021**Vishal****(ARUN KUMAR TYAGI)
JUDGE**

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