

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

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**CRM-M-17768-2019
Date of decision: 04.03.2021**

Parminder Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for respondent No.1.

Mr. Sukhdeep Singh, Advocate for
Ms. Kamlesh, Advocate
for respondents No.2 and 3.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioner-**Parminder Singh** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.268 dated 19.11.2018 registered under Sections 379A, 384 and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Panipat (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 08.04.2019 (**Annexure P-2**) effected with respondents No.2 and **3-Beena and Ranjit @ Deepak Thakur**.

The above said FIR was registered on complaint made by respondent No.2-Beena. In her statement, Beena alleged that on 03.11.2018, when her husband Ranjit @ Deepak Thakur, who was

working with Parminder Singh (the petitioner) as Accountant and had gone to his office in the morning came in the afternoon to his house for taking lunch, the petitioner came there and while saying to her husband that he had sold the axel of his vehicle, snatched the mobile phone of her husband and asked him to pay an amount of Rs.3 lakhs. Her in-laws deposited amount of Rs.1.5 lakhs in the account of the petitioner on 03.11.2018. The petitioner continued to pressurize them for payment of the balance amount and threatened to kill them if the same was not paid. She accordingly requested for taking of appropriate legal action against the petitioner.

The petitioner has 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 22.04.2019, Co-ordinate Bench of this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 01.05.2019 for recording their statements with regard to compromise/settlement and directed the trial Court/Illaq Magistrate to submit a report before the next date of hearing i.e. on 23.07.2019 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate First Class, Panipat has recorded the statements of both the parties and submitted report dated 01.05.2019 vide letter dated 15.05.2019. The relevant part of the same reads as under:-

"In the instant mater, complainant/aggrieved person namely Beena & Ranjit @ Deepak Thakur and accused Parminder Singh appeared before the undersigned on 01.05.2019 for recording of their statements qua the

compromise arrived at between them, in compliance of order dated 22.04.2019 passed by Hon'ble Mr. Justice Manoj Bajaj, Hon'ble High Court of Punjab & Haryana in CRM-M-17768 of 2019.

2. Upon preliminary inquiry, parties stated that the matter had been amicably settled between them voluntarily and without any coercion or undue influence. Thereupon, their statements qua compromise were recorded separately. The same are being attached herewith.

4. It is submitted that I am satisfied that the compromise arrived at between complainant & aforesaid accused was voluntary and genuine.

5. Investigating Officer ASI Dilbag Singh stated on oath that there are two victims/complainants in the instant FIR, namely Beena & Ranjit @ Deepak Thakur. Accused Parminder Singh is the sole accused in FIR No.268 dated 19.11.2018, PS Sadar, Panipat and he has not been declared as a Proclaimed Offender. He is the complainant in cross FIR No.249 dated 03.11.2018 of P.S. Sadar Panipat registered against complainant of this case namely Ranjit @ Deepak Thakur. Besides these two cases, no criminal proceedings are pending against either party."

The petition has been opposed by learned State Counsel in terms of reply filed by Vijender Singh, HPS, Deputy Superintendent of Police, Panipat in the Registry of this Court which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondents No.2 and 3 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, Panipat 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 petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above, the petition is allowed and FIR No.268 dated 19.11.2018 registered under Sections 379A, 384 and 506 of the IPC at Police Station Sadar Panipat (**Annexure P-1** is quashed along with all consequential proceedings arising therefrom.

04.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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