

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-24843-2021 (O&M)

Date of Decision: 25.11.2021

Balihar Singh and another

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Anshuman Dalal, Advocate for the petitioners.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Mr. K.L. Saini, Advocate for respondents No. 2 to 4.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 189 dated 19.05.2020 (Annexure P1) registered under Sections 304 and 323 read with Section 34 IPC (Section 302 IPC was deleted and Section 304 IPC was added in final report under Section 173(2) Cr.P.C.) at Police Station City, Kaithal, District Kaithal and all consequential proceedings arising therefrom on the basis of compromise dated 16.04.2021 (Annexure P-8) effected between the parties.

Pursuant to the order dated 06.07.2021, passed by the Coordinate Bench of this Court, the parties appeared before the learned Additional District and Sessions Judge, Kaithal on 19.07.2021, to get their statements recorded. Learned Additional District and Sessions Judge, Kaithal, submitted her report along with copy of consolidated

statement of the parties vide letter No. 441 dated 26.07.2021 duly forwarded by learned District and Sessions Judge, Kaithal, vide letter No. 1177 dated 27.07.2021.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.2 to 4 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 *Gian Singh Vs. State of Punjab and another, 2012(4) RCR (Criminal) 543, 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.*

In the present case, allegations in the complaint are that petitioner No. 1-Balihar Singh, gave a push to the father of complainant-Ram Singh, due to which he fell on the ground and ultimately died. Offence under Section 304 IPC was added later on. Therefore, the present case does not fall in any of the exceptions envisaged above.

According to the report, learned Additional District and Sessions Judge, Kaithal, is satisfied that compromise effected between the parties is with free consent and without any pressure or undue influence and the same appears to be genuine. It has also been reported that the present FIR was registered against Balihar Singh, Gulzar Singh (petitioners herein), Paramjeet Kaur and Balwinder Kaur. During investigation, Paramjeet Kaur and Balwinder Kaur, were found innocent by the police. It is further reported that FIR No. 130 dated 09.05.2011, under Section 61 of the Punjab Excise Act, Police Station City, Kaithal and FIR No. 151 dated 28.04.2010, under Sections 279 and 304-A, were also registered against petitioner No. 1-Balihar Singh but he was acquitted by the trial Court in both the aforesaid cases. FIR No. 236 dated 09.05.2021 under Section 61 of the Punjab Excise Act, Police

Station City Kaithal, District Kaithal, was registered against petitioner No. 2-Gulzar Singh, which is pending adjudication before the trial Court, concerned. It is also reported that none of the petitioners were declared proclaimed offender/person in any of the aforesaid cases as well as in the present case.

Considering the report of learned Additional District and Sessions Judge, Kaithal, dated 26.07.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 189 dated 19.05.2020 (Annexure P1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

November 25, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No