

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 29663 of 2021 (O&M)
Date of Decision: 03.12.2021

Sukhdev Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ravi Chadha, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. K.S.Bal, Advocate for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. The petitioners, by way of filing the present petition under Section 482 Cr.P.C., are seeking quashing of FIR No. 105 of 23.5.2020, registered at Police Station Bhogpur, District Jalandhar, constituting therein offences under Sections 323, 341, 506 and 149 IPC, and, under Section 3(i)(s) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 (amendment 2015), and, all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court on 29.7.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also with regard to total number of accused in the case, and, as also whether any person has been declared proclaimed offender. The

afore order, makes it apparent that the petitioners had depended, upon, a compromise/settlement, arrived at, in respect of the FIR (supra) with the complainant-respondent.

3. The afore made order by this Court on 29.7.2021, has been complied with by the learned Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement/compromise, arrived at *inter se* the petitioners, and, the respondent No. 2, is a sequel of both, being *ad idem* qua it, besides the compromise/settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported that the settlement/compromise, depended upon by the petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

4. Even, though one of the offences borne in FIR (supra) is constituted under Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, since the aggrieved concerned, through a compromise deed, carried in Annexure P-2, has consensually settled the offence (supra), thereupon the bar created under Section 482 Cr.P.C., for accepting the settlement, and, to, also thereafter, quash the FIR (supra), carrying the afore offences, does not operate, nor this Court is estopped to exercise jurisdiction under Section 482 Cr.P.C., to, hence quash the FIR, and also the consequential proceedings as drawn before the Court concerned, de hors, even if assumingly the offence constituted, under the afore provisions of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, is, non-compoundable. Contrarily the jurisdiction to quash the FIR (supra) carrying

also the afore offences, hence on the basis of an *ad idem* compromise, can be permissibly exercised / ordered, given the offence (supra) being personal to the victim or his alone being put to pain. In support of supra, reliance is made upon a verdict of the Hon'ble Apex Court, rendered in case titled ***“Union of India Vs. State of Maharashtra and others”*** bearing in ***Review Petition (Crl.) No. 228 of 2018*** in ***Criminal Appeal No. 416 of 2018, decided on 01.10.2019***, wherein in paragraph-57 thereof, para whereof is extracted hereinafter, the afore view becomes carried. Conspicuously, when it has been enunciated therein, that upon a false implication, the High Courts can draw succour from Section 482 Cr.P.C. and, hence quash the FIR concerned. Therefore, when the personally pained aggrieved, has drawn an *ad idem* voluntary settlement with the accused., thereupon, also since the chances of verdict of conviction, being made, upon the accused, are bleak and remote, hence, the afore prayer is accepted.

“ 57. In case any person apprehends that he may arrested, harassed and implicated falsely, he can approach the High Court for quashing the FIR under Section 482 as observed in State of Orissa v. Debendra Nath Padhi, (2005) 1 SCC 568.”

5. Be that as it may, also since the learned State Counsel has stated that after presentation of challan, charges are yet to be framed, and obviously, when the prosecution evidence has not opened.

6. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

December 03, 2021
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes