

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

204-A

CRM-M-27208-2020

Date of decision: 12.01.2021

Satgur Singh @ Sata and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Rajbir Singh, Advocate
for the petitioners.

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

Mr. Kulwinder Singh, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-Satgur Singh @ Sata and Jaji @ Ramandeep Singh have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.101 dated 09.07.2020 registered under Sections 363, 366A and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Joga, District Mansa (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise dated 13.08.2020 (**Annexure P-4**) effected with respondent No.2-Gurmel Singh.

The above said FIR was registered on statement of respondent No.2-Gurmel Singh who alleged that Jaggi Singh who was married to daughter of his elder brother Sukhdev Singh used to come to their house. From his village his younger son Satgur Singh @ Sata and friend of Satgur Singh namely Jaji Singh used to come to their house.

On 06.07.2020, he had seen Satgur Singh @ Sata and Jaji Singh roaming near his house. In the intervening night of 06/07.07.2020 Satgur Singh along with Jaji Singh allured his daughter Lovekiran Kaur @ Neetu aged seventeen and half years in order to perform marriage with her. He came to know in the morning of 07.07.2020 at about 05:00 A.M. that his daughter was not present at home. Satgur Singh @ Sata used to talk with his daughter on telephone at his residence and he is sure that the above said persons have allured his minor daughter and action be taken against them.

The petitioners have filed the present petition for quashing of the FIR on the grounds that petitioner No.1 and Lovekiran Kaur @ Neetu fell in love and solemnized marriage on 07.07.2020. Both of them filed protection petition CRWP No.4664 of 2020 which was disposed of vide order dated 17.07.2020 by issuing directions to the Senior Superintendent of Police, Mansa. Lovekiran Kaur @ Neetu has executed self declaration dated 10.08.2020 that she had performed marriage with petitioner No.1 out of her own free will and her father had lodged false FIR on false facts against petitioner No.1 and that petitioner No.2 is also innocent and he did not knew regarding their marriage. The petitioners have further submitted that now the matter has been amicably compromised between the parties with the intervention of respectables and they have resolved their differences.

On notice, Mr. Kulwinder Singh, Advocate appeared on behalf of respondent No.2 and admitted the factum of compromise.

Vide order dated 10.09.2020, Co-ordinate Bench of this Court directed the private parties to appear before the Trial Court/Area

Judicial Magistrate on 05.10.2020 for recording their statements with regard to compromise and directed the Trial Court to submit its report before the next date of hearing i.e. on 09.11.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate 1st Class, Mansa has recorded the statements of both the parties and submitted report dated 06.10.2020. The relevant part of the same reads as under:-

"I have the honour to submit that in compliance of order dated 10-09-2020 passed by the Hon'ble High Court in subject cited case, parties namely complainant Gurmel Singh and accused Satgur Singh @ Satta and Ramandeep Singh @ Jaji Singh have appeared before Court and suffered their statements regarding compromise effected between them. Statement of ASI Malkit Singh 477/MNS, PS Joga has also recorded. It is submitted that as per allegation in FIR, there were two accused namely Satgur Singh alias Satta and Ramandeep Singh alias Jaji Singh. No accused has been declared proclaimed offender in this case. No accused has been arrested in this case. Challan has not presented in this case. The compromise seems to be genuine with free consent and without any pressure, undue influence, coercion or fear. Accused Ramandeep Singh alias Jaji Singh And Satgur Singh alias Satta are not involved in any other Criminal Case...."

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.

A perusal of the report of learned Judicial Magistrate 1st Class, Mansa 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.

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*.

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, the petition is allowed and FIR No.101 dated 09.07.2020 registered under Sections 363, 366A and 120-B of the IPC at Police Station Joga, District Mansa (**Annexure P-1**) is quashed with all consequential proceedings arising therefrom.

12.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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