

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

242

CRM-M-29702-2020

Date of decision: 11.02.2021

Kuldeep Singh @ Ravi and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Davinder Singh Khurana, Advocate
for the petitioners.

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

Mr. Rajinder Singh Bhatta, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-Kuldeep Singh @ Ravi, Kulbeer Singh @ Kulveer Singh, Baldev Singh, Sukhchain Singh and Gagandeep Singh @ Gurwinder Singh have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0085 dated 13.07.2020 registered under Sections 148, 341, 323, 342, 379-B and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Jalalabad, Distrit Fazilka (Annexure P-1) along with all consequential proceedings arising therefrom in view of the compromise (Annexure P-2) effected with respondent No.2-Shiv Kumar.

The above said FIR was registered on statement of respondent No.2-Shiv Kumar. In his statement-Shiv Kumar alleged that he is running a shop for sale and repair of mobile phones near police station City Jalalabad. Gaurav Kumar is working on his shop and when

there is heavy work he goes to drop Gaurav Kumar at his village. On 11.07.2020 after finishing the work he went to the village of Gaurav Kumar to drop him. When he was returning and reached at water-works chowk Mohkam Arrain at about 10:00/10:30 P.M., Kuldeep Singh @ Ravi armed with wooden dasta of kahi, Kulbeer Singh armed with iron rod, Baldev Singh armed with danda, Sukhchain Singh armed with wooden danda, Gagandeep Singh armed with danda and four-five unidentified persons who were drunk stopped his motorcycle and abused him. Kuldeep Singh @ Ravi gave a fist blow on his left eye and Sukhchain Singh gave a blow of dasta on his left leg. Kulbir Singh gave a fist blow on his face and Baldev Singh gave a blow of dasta on the back side of his neck. All the above said persons took him to the house of Kuldeep Singh @ Ravi and locked him in a room. Kuldeep Singh @ Ravi snatched his two mobile phones, amount of Rs. 20,000/- and one gold chain of 3 tolas. All the above said persons also threatened to kill him. After some time on hearing the noise Gaurav Kumar and other persons came there. Some person made a call to the police which also reached the spot. Thereupon Kuldeep Singh @ Ravi released him. Narinder Singh arranged a vehicle and got him admitted in Civil Hospital, Jalalabad from where he was referred to Guru Gobind Singh Medical College, Faridkot.

The petitioners have 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 25.09.2020, co-ordinate Bench of this

Court directed the private parties to appear before the trial Court/Illaq Magistrate on 03.11.2020 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. 16.12.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate First Class, Jalalabad (W) has recorded the statements of both the parties and submitted report dated 17.11.2020. The relevant part of the same reads as under:-

".....Both the parties i.e. complainant and accused persons have appeared before the undersigned in compliance with the orders dated 25.09.2020 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh. As per the order dated 25.09.2020 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-29702 of 2020, the undersigned was directed to record the statements of all effected parties and to report name of complainant and all accused arrayed in the FIR:-

(i) Number of persons arrayed as accused in the FIR.

There are five persons arrayed as accused in the FIR.

(ii) Whether any accused is a proclaimed offender.

None of the accused has been declared as proclaimed offender.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The compromise arrived at between the parties is genuine, voluntarily and out of free will any pressure & coercion upon complainant and same is genuine.

(iv) Whether the accused persons are involved in any other FIR or not.

No other FIR is register or pending against the accused

persons.

(v) The trial court is also directed to send the statement of the investigating officer so as to know how many victims/complainants are there in the FIR.

There is only one complainant namely Shiv Kumar in the above said FIR.

I have recorded the statement of Complainant i.e. Shiv Kumar aged 23 years son of Sh. Krishan Lal, residence of Gandhi Nagar, street No.2, Jalalabad(W), Tehsil Jalalabad (W) District Fazilka, he stated that they have compromised the matter with the accused persons in FIR No.85 dated 13.07.2020, under Section 341/323/148/149/342/379-B/506 of IPC, P.S. Sadar Jalalabad (w). He further stated that compromise has been effected is genuine, voluntary and without any coercion or undue influence and copy of Aadhar Card is attached therewith which is Ex.C1 and stated that he has no objection if the FIR in question be quashed. Complainant party has been duly identified by Sh. Gurdeep Kamboj Advocate. Separate statement of accused persons has also been recorded in this regard, which is countersigned by Sh. Raman Doomra, Advocate. Further statement of ASI Satnam Dass no.497/Fazilka, now posted at P.S. Sadar Jalalabad has also been recorded. He stated that I was investigating officer in this case. Five accused persons namely Kuldeep Singh @ Ravi son of Baldev Singh, Kulbeer Singh @ Kulveer Singh son of Baldev Singh, Baldev Singh son of Inder Singh, Sukhchain Singh son of Makhan Singh, Gagandeep Singh @ Gurwinder Singh son of Bagicha Singh were nominated in the present case, no accused was declared proclaimed offender in this case and no other FIR is registered or pending against the accused persons. He also stated that there is only one complainant namely Shiv Kumar in the above said FIR. He identified complainant Shiv Kumar and accused Baldev Singh. Other

accused were not arrested in this case.

Undersigned has also questioned the complainant about the veracity & genuineness of compromise and the undersigned is of the view that matter has been compromised voluntarily without any pressure & coercion upon complainant and same is genuine.....”

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 Judicial Magistrate First Class, Jalalabad (W) 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.0085 dated 13.07.2020 registered under Sections 148, 341, 323, 342, 379-B and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Jalalabad, District Fazilka (Annexure P-1) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

11.02.2021
Vishal

(ARUN KUMAR TYAGI)
JUDGE

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