

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

236

**CRM-M-31959-2020
Date of decision: 14.01.2021**

KAKA JANAGAL AND ORS.

.....Petitioners

Versus

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Neeraj Malhotra, Advocate
for the petitioners.

Mr. P.S. Walia, Asstt. A.G., Punjab
for respondent No. 1 – State.

Mr. Vikrampreet Arora, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners- **Kaka Janagal, Suraj, Parvinder Singh, Jaskaran, Harsh, Amit, Sunny and Rahul** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.220 dated 07.12.2019, registered under Sections 341, 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Rupnagar, District Rupnagar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 13.12.2019 (**Annexure P-2**) effected with respondent No.2- **Sarfaraz**.

The above said FIR was registered on statement of Sarfaraz. In his statement, Sarfaraz alleged that on 06.12.2019 at about 02.40 P.M. when he was returning home from school on his Activa scooter and reached Bela Chowk Rupnagar then Kaka Janagal, Suraj, Parvinder Singh, Jaskaran, Harsh, Amit, Happy, Debi, Sunny and

Rahul were standing there along with 5-6 unknown boys on their motorcycles and scooters with their face covered. They surrounded the complainant and then Kaka Janagal inflicted blow on his left wrist and head. When he raised alarm, Ramandeep Singh, Simran, Minal and some other persons gathered there. His aunt Sunita, who lived opposite to Gandhi School, was also present there and saved him from the offenders.

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 12.10.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 30.10.2020 or any other date convenient to the Court 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 17.11.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Chief Judicial Magistrate, Rupnagar has recorded the statements of both the parties and submitted reports dated 06.11.2020 and 01.12.2020. The relevant part of report dated 06.11.2020 reads as under:-

".....In view of the order of Hon'ble High Court dated 12.10.2020 mentioned in the above noted subject, the statements of parties have been recorded on 05.11.2020. Complainant Sarfaraz, aged about 19 years son of Anwar Ali resident of house no. 522, Mirabai Chauk Rupnagar, District Rupnagar has suffered statement that FIR No. 220 dated 07.12.2019 registered at Police Station City Ropar, under Sections 341, 323, 324, 506, 148 and 149 IPC has

been registered on his statement against accused persons. Now, he has compromised the matter with the accused persons. Copy of compromise is mark A. He has compromised the matter out of his own sweet Will, without any undue influence and pressure and he has agreed with the same. He has no objection, it the present FIR against all the accused persons is quashed. Copy of his Aadhaar card is mark B. There is no other complainant as well as accused except him and the accused persons named above in this present FIR. Accused have not been declared proclaimed offender in this matter as well as any other matter till date.

2. Accused Kaka Janagal @ Baljinder Singh, aged about 21 years, Parvinder Singh, aged about 17 years and 10 months, through his legal representative Harvinder Singh, Jaskaran, aged about 17 years, son of Manjeet Kaur, through his legal representative mother Manjeet Kaur, Harsh, aged about 16 years son of Manjeet Kaur, through his legal representative mother Manjeet Kaur, Amit, aged about 15 years, son of Ram Dular, through his legal representative father Ram Dular all residents of village Asron, Tehsil Balachaur, District SBS Nagar, Punjab, Sunny, aged about 22 years, son of Sukhwinder Singh, resident of house no. 4696, Village Bari Haweli, Ward No. 1 District Rupnagar, Rahul, aged about 19 years, son of Mahesh, resident of village Asron, Tehsil Balachaur, District SBS Nagar, Punjab recorded their statement, while stating that present FIR No. 220 dated 07.12.2019 registered at Police Station City Ropar, under Sections 341, 323, 324, 506, 148 and 149 IPC has been registered on the instance of complainant Sarfaraz. Now, they have compromised the matter with the complainant named above. Copy of compromise is mark A. They have compromised the matter out of their own sweet will, undue influence and pressure and they agree with the same. Copies of their aadhar Card is mark C to mark I respectively. They have not been declared Proclaimed Person in this matter as well as any other matter till date.

3. Accused namely Suraj, aged about 20 years, son of Ram Lal, resident of village Asron, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, Punjab has not come present for recording his statement with regard to compromise.

4. From the statement of parties got recorded by them today in the Court, it appears that parties have effected compromise with their own sweet will, voluntarily without any pressure and coercion in any manner. Present case is under investigation and none of the accused in the present FIR has been declared Proclaimed Offender. Two criminal cases bearing FIRs No. 68/2020 under Section 188 IPC and No. 221/2019 under Sections 323 and 324 IPC registered as PS City, Rupnagar are pending against accused Sunny, son of Sukhwinder Singh.

In case, the compromise is accepted it would be beneficial to the interests of both the parties.....”

The relevant part of report dated 01.12.2020 reads as under:-

“.... In view of order of Hon'ble High Court dated 17.11.2020 mentioned in the above noted subject, the statement of accused no. 2 Suraj has been recorded on 01.12.2020. Accused Suraj Kumar aged about 20 years, son of Ram Lal Yadav, son of Bal Khila Yadav, resident of village Asron, Tehsil Balachor, District SBS Nagar recorded his statement, while stating that present FIR No. 220 dated 07.12.2019 registered at Police Station City Ropar, under Sections 341, 323, 324, 506, 148 and 149 IPC has been registered on the instance of complainant Sarfaraz. Now, he has compromised the matter with the complainant named above. Copy of compromise is mark A. They have compromised the matter out of their own sweet will, undue influence and pressure and they agree with the same.”

The respondent No.1-State has not filed any reply to the petition despite opportunity granted for this purpose.

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 reports of Chief Judicial Magistrate, Rupnagar 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.

Accordingly, FIR No.220 dated 07.12.2019, registered under Sections 341, 323, 324, 506, 148 and 149 of the IPC at Police Station City Rupnagar, District Rupnagar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

14.01.2021

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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