

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

249

CRM-M-35301-2020

Date of decision: 08.01.2021

JATINDER SINGH BOPARAI AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, Asstt. A.G. Punjab
for the respondent No.1-State.

Mr. Vishal Munjal, Advocate
for respondents No.2 and 3.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-**Jatinder Singh Boparai, Rashpal Singh alias Pala, Dhanbir Singh, Sandeep Singh and Harpal Singh alias Jaspal Singh** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.37 dated 22.04.2020 registered under Sections 148, 336 and 506 read with Section 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise (**Annexure P-3**) effected with respondents No.2 and 3- Mandeep Singh and Satnam Singh.

The above said FIR was registered on statement of respondent No.2- Mandeep Singh. In his statement Mandeep Singh alleged that on 22.04.2020 at about 11:30. A.M. the Panchayat of their

village was distributing wheat. He along with Amrik Singh, Member Panchayat went to the spot and enquired while complaining that earlier their community was given wheat with shortage of 10 kgs per quintel. Jatinder Singh objected by saying that he had no concern and abused and threatened them. They went to the Police Station and lodged the complaint. When he along with his father and other residents of the village were coming back on their respective motorcycles to the village and reached near turning of village Talwandi, accused- Jatinder Singh armed with Rifle, Pala Singh Fauzi empty handed, Dhanbir Singh armed with baseball bat, Sandeep Singh and Harpal Singh empty handed came in a car and stopped their motorcycle. Dhanbir Singh hit his motorcycle with baseball bat. The accused started threatening them. Pala Singh Fauzi abused his father and slapped him. Jatinder Singh started firing from his Rifle. They escaped and reached their village by running through the fields.

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 17.11.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 27.11.2020 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 08.01.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial

Magistrate First Class, Batala has recorded the statements of the private parties and submitted report dated 29.12.2020. The relevant part of the same reads as under:-

".....It is humbly submitted that petitioners/accused (1) Jatinder Singh @ Boparai aged 38 years S/o Dalbir Singh (2) Rashpal Singh @ Pala aged 21 years S/o Palwinder Singh (3) Dhanbir Singh aged 28 years S/o Balwinder Singh (4) Sandeep Singh aged 40 years S/o Satnam Singh (5) Harpal Singh @ Jaspal Singh S/o Joga Singh, all residents of village Riali Khurd, District Gurdaspur, Punjab appeared before the Court on 23.12.2020 and suffered statement that the matter has been compromised with the complainant/injured persons (1) Mandeep Singh S/o Satnam Singh (2) Satnam Singh S/o Makhan Singh both residents of village Riali Kalan, Tehsil Batala, District Gurdaspur. The para-wise report is as under:-

- 1. As per the statements of the parties as well as the statement of the I.O, there are (5) five accused persons arraigned in the F.I.R. namely (1) Jatinder Singh Boparai S/o Dalbir Singh (2) Rashpal Singh @ Pala S/o Palwinder Singh (3) Dhanbir Singh S/o Balwinder Singh (4) Sandeep Singh S/o Satnam Singh (5) Harpal Singh @ Jaspal Singh S/o Joga Singh, all residents of village Riali Khurd, District Gurdaspur, Punjab.*
- 2. As per the statement of I.O, none of the accused has been declared proclaimed offender.*
- 3. After considering the statements of the parties as well as the statement of I.O, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.*
- 4. As per the statement of the I.O, no other criminal case is pending against the accused persons.*
- 5. In the present F.I.R, challan has not yet been*

presented by the Investigating agency.”

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 respondents No.2 and 3 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, Batala reveals that the matter has been compromised by the private 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 private 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.37 dated 22.04.2020 registered under Sections 148, 336 and 506 read with

Section 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

08.01.2021

vishal

(ARUN KUMAR TYAGI)
JUDGE

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