

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

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**CRM-M-35892-2020
Date of decision: 26.03.2021**

Jasveer Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner.

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

Mr. Ranjit Singh Sidhu, Advocate for
Mr. Shagundeeep Singh, Advocate
for respondents No.2 and 3.

ARUN KUMAR TYAGI, J (ORAL)

Petitioner-**Jasveer Singh** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.79 dated 18.04.2019 registered under Sections 354, 354-A and 509 of the Indian Penal Code, 1860 (for short, "the IPC") in Police Station City Dhuri, District Sangrur (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise effected with respondents No.2 and 3-**Rajinder Kaur and Binder Kaur**.

Briefly stated, the above said FIR was registered on complaint made by Rajinder Kaur (respondent No.2) to Senior Superintendent of Police, Sangrur who alleged that earlier a complaint was made by her relative Binder Kaur (respondent No.3) against Jagsir Singh (the petitioner) for harassing her by sending obscene messages

and pictures to her through his mobile phone. Thereafter, on application both the parties were called at Police Station City Dhuri on 05.09.2018 and with the intervention of respectables the matter was compromised between the parties. When the copy of compromise was handed over to ASI Hardyal Dass, Police Station City Sangrur, then he started threatening the parties and again and again calling both the parties in Police Station without any reason and compelling complainant-Binder Kaur to pursue her case against the petitioner. When she did not agree to do so he threatened to implicate her in a fake case and started compelling the petitioner to give complaint against Binder Kaur and other persons who were witnesses to the compromise.

The petitioner has filed the present petition for quashing of the FIR on the grounds that the parties have settled the matter and decided to put an end to litigation between them and live in peace.

Vide order dated 05.03.2021, this Court directed the private parties to appear before the trial Court/Illaqa Magistrate on 08.03.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaqa Magistrate to submit a report before 16.03.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Sub Divisional Judicial Magistrate, Dhuri has recorded the statements of both the parties and submitted report dated 09.03.2021. The relevant part of the same reads as under:-

"From the statements of the parties as well as their oral examination, undersigned is of the opinion that matter has been amicably settled between accused Jasveer

Singh and complainants Rajinder Kaur and Binder Kaur. The said compromise is genuine, voluntary and is without any coercion or undue influence."

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 ***Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052; Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255.***

A perusal of the report of learned Sub Divisional Judicial Magistrate, Dhuri clearly 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 petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above, the petitioner is allowed and FIR

No.79 dated 18.04.2019 registered under Sections 354, 354-A and 509 of the IPC in Police Station City Dhuri, District Sangrur (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

26.03.2021

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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