

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

118-A

CRM-M-39316-2020

Date of decision: 26.03.2021

Binder Kaur and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ranjit Singh Sidhu, Advocate for
Mr. Shagundeeep Singh, Advocate
for the petitioners.

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

Mr. Gopal Singh Nahel, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

Petitioners-**Binder Kaur and Rajinder Kaur** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.78 dated 18.04.2019 registered under Sections 384, 420 and 120-B 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 respondent No.2-**Jasvir Singh**.

The above said FIR was registered on complaint made by Jasvir Singh (respondent No.2) to the Senior Superintendent of Police, Sangrur. In the complaint respondent No.2 alleged that earlier a false complaint was made by Binder Kaur (petitioner No.1) against him for blackmailing him. Both the parties were called at Police Station City Dhuri on 05.09.2018. SI Kuljit Kaur, Binder Kaur, Rajinder Kaur and the Sarpanch of their village after threatening him took Rs.1,60,000/-

from him. He made complaint dated 17.09.2018 in this regard which was marked to ASI Hardyal Dass, Police Station City Sangrur. ASI Hardyal Dass, instead of investigating the case, started harassing him, used to call him everyday and intimidated him to compromise another matter.

The petitioners have filed the present petition for quashing of the FIR on the grounds that the parties have compromised the matter.

Vide order dated 26.11.2020, the Coordinate Bench of this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 15.01.2021 for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report before 16.02.2021 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 21.01.2021. 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 Binder Kaur and Rajinder Kaur and complainant Jasvir Singh. 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 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 petitioners is allowed and FIR No.78 dated 18.04.2019 registered under Sections 384, 420 and 120-B 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

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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