

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

115

CRM-M-47846-2019 (O&M)

Date of decision: 24.02.2021

Neeru and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Suresh Kumar Arya, Advocate
for the petitioners.

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

Mr. Kuljit Singh Bal, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-1832-2021

The petitioners have filed the present application for pre-ponement of the date i.e. 29.04.2021 fixed in main case.

Learned State Counsel and learned Counsel for respondent No.2 have no objection if the application is allowed.

In view of the reasons mentioned in the application and no objection, the application is allowed and the main case is pre-poned to today itself.

CRM-M-47846-2019

Petitioners-**Neeru and Prince Randhawa @**

Gursharanjeet Singh Randhawa have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.124 dated 15.05.2019 registered under Sections 323 and 324 read with Section 34 of the Indian Penal Code, 1860 (for short, "the

IPC") at Police Station Sadar Amritsar, District Amritsar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 04.10.2019 (**Annexure P-2**) effected with respondent No.2-**Sahil Seth**.

The above said FIR was registered on complaint made by respondent No.2-Sahil Seth to the Commissioner of Police, Amritsar. In his complaint respondent No.2 inter alia alleged that he performed love marriage with Neeru (petitioner No.1) on 24.03.2010 in accordance with Sikh rites and rituals at Gurudwara Sahib, Ranjit Avenue, Amritsar. He met Neeru during their studies at Kalra Academy. The expenses of the reception of his marriage and also the expenses of his wife Neeru and her family members before and also after his marriage were borne by him as mentioned in the complaint. One daughter named Anamika was born out of the wedlock after two years. Neeru was previously married and concealed her age and fact of her previous marriage from him. He was brought up by his maternal grand-parents and was living with them. Neeru maltreated him as mentioned in detail in the complaint and his maternal grand-parents turned him out of their house and expelled him from their moveable and immoveable properties due to misbehaviour of his wife Neeru. On 07.04.2018, Prince Randhawa (petitioner No.2) brother of his wife Neeru telephoned him and came to his house at about 11:00 A.M. and started altercation with him. His wife Neeru held a knife and asked her brother to stab him in the stomach and finish him. When he tried to run out to save himself, then petitioner No.2 manhandled him and caught him and his wife Neeru stabbed him in the stomach with knife with intention to kill him. Somehow he escaped from the clutches of the petitioners and went to the house of his friend Gurprakash Singh,

who got him admitted at Guru Nanak Hospital, where his medical was conducted.

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 22.01.2020, Co-ordinate Bench of this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 05.02.2020 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 30.04.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Additional Chief Judicial Magistrate, Amritsar has recorded the statements of both the parties and submitted report dated 10.02.2020. The relevant part of the same reads as under:-

"Pursuant to the order dated 22.01.2020 passed by the Hon'ble High Court in CRM-M-47846 of 2019, report is hereby submitted that the complainant Sahil Seth son of Sh.Shiv Kumar Seth and accused persons namely Neeru and Prince Randhawa @ Gursharanjeet Singh Randhawa appeared in the Court on 05.02.2020 for getting their statements recorded in case bearing FIR no.124 dated 15.05.2019, under section 324/323/34 of Indian Penal Code, registered at Police Station Sadar, Amritsar. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any pressure, undue influence or coercion. Following is the requisite information, as directed:-

1. That only two accused persons namely Neeru and

Prince Randhawa @ Gursharanjeet Singh Randhawa are arrayed in the present FIR and they both have appeared in the Court for recording their statement and that they have never been declared absconding/proclaimed offender.

2. That Sahil Seth son of Shiv Kumar Seth is the complainant and affected/aggrieved person in the present FIR and he has appeared and made the statement in support of the compromise.

3. That the challan has yet not been presented before the Hon'ble Court.

4. That the compromise is genuine, voluntarily and out of free will of the parties."

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 Additional Chief Judicial Magistrate, Amritsar 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 petition is allowed and FIR No.124 dated 15.05.2019 registered under Sections 323 and 324 read with Section 34 of the IPC at Police Station Sadar Amritsar, District Amritsar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

24.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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