

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CRM-M-64487-2023

Date of decision: 21.12.2023

Kulwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ankit Joshi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. for quashing of FIR No.63 dated 17.04.2017 (Annexure P-1) under Sections 379B, 336, 506, 148, 149 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Nehianwala, District Bathinda along with all consequential proceedings arising therefrom on the basis of compromise dated 10.05.2023 (Annexure P-2) arrived at between the petitioner and respondents No.2 and 3.

2. Learned counsel for the petitioner inter alia contends that with the intervention of respectables, he and respondent No.2/complainant have amicably settled their dispute vide compromise deed (Annexure P-2) dated 10.05.2023. Hence, in the circumstances, continuation of criminal proceedings in the FIR in question would be a futile exercise and the FIR in question be quashed.

3. I have heard learned counsel and perused the relevant material on record.

4. As per the allegations levelled in the FIR annexed as Annexure P-1, the petitioner along with one Jarnail Singh, Lovepreet Singh and 10-15 unknown persons, who were armed with various lethal weapons like firearms, swords and iron rods, intercepted the complainant party while the complainant along with his aunt were going to the house of one Baljit Kaur; all the accused including the petitioner confronted the complainant; co-accused Lovepreet Singh fired shots at the complainant and questioned him as to where the tractor trolley laden with wheat was being taken to. The petitioner along with his accomplices then forcibly took the tractor trolley from the complainant and left the spot.

5. A perusal of the allegations levelled in the FIR reveal that not only has the petitioner been named along with other co-accused, it has been categorically alleged that the co-accused were his henchmen who had fired at the complainant and also threatened him with dire consequences. Thus, it is prima facie evident that there were specific allegations levelled against the petitioner, Lovepreet Singh, Jarnail Singh and 10-15 other unknown persons in the FIR, however, it is only the petitioner out of the other accused, who has approached this Court for quashing of the FIR in question on the basis of a compromise effected between him and respondent No.2. It has not even been disputed by the learned counsel for both the petitioner and respondent No.2 that the roles attributed to the other accused, who are not before this Court, and with whom no compromise has been effected by the complainant, is identical and they too had allegedly actively participated in the crime in question.

6. On a pointed query put to the learned counsel for the petitioner as to how the FIR in question could be thus, quashed against the petitioner to the exclusion of the other accused, he has failed to give any satisfactory explanation.

7. In case, the FIR in question is quashed qua only the petitioner on the basis of the compromise so effected between him and respondent No.2, in the considered opinion of this Court, it would result in miscarriage of justice and defeat the purpose behind Section 482 of the Cr.P.C. It needs to be emphasized that not every compromise effected between the accused and the complainant, must receive the approval of a Court; a Court while quashing an FIR on the basis of a compromise cannot ignore the seriousness of allegations levelled against the accused and their specific roles.

8. This Court in ***CRM-M-7450-2022 titled as 'Yatin @ Mithu and another Vs. State of Haryana and another'*** decided on ***13.01.2023*** has held as under:-

“This Court has no hesitation in observing that a danger indeed runs in quashing such FIRs including partial quashing on the basis of a compromise where all the accused have been attributed identical roles, and some of the accused have been able to enter into a compromise with the complainant by either pressurizing him or exercising undue influence or coercion. It cannot be over emphasized that there could be cases where the accused/offenders holding influential positions or being in a sound financial position would go scot free, and on the other hand, an accused, who may not be able to influence the complainant or induce him to effect a compromise would be left to face trial.”

9. In the instant case, the petitioner and the other accused fired at the complainant party in broad day light, showing utter disregard, not only for the life of the complainant, but also for the law

of the land. If compromises in such like cases are approved, it would encourage lawlessness and chaos.

10. As a sequel to the above, this Court does not deem it fit to exercise its powers under Section 482 of the Cr.P.C. for quashing the FIR in question on the basis of a compromise so effected between the petitioner and respondent No.2. Accordingly, the instant petition is hereby dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.12.2023

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(MANJARI NEHRU KAUL)
JUDGE

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