

**146 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No. 18960 of 2017(O&M)
Date of decision : 24.05.2017**

Prem Singh

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE A.B.CHAUDHARI

Present: Mr.Jagraj S.Khiva, Advocate for the petitioner.

A.B.CHAUDHARI , J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 35 dated 06.05.2017, under Section 376 of Indian Penal Code, registered at Police Station City Mansa, District Mansa.

The Hon'ble Supreme Court in case of *Gian Singh Versus State of Punjab, 2012(4) RCR (Criminal) 543*, particularly para 43 thereof held as follows:-

54. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under [IPC](#) or offences of moral turpitude under special statutes, like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and

predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.”

In view of the above, the present petition is not maintainable qua compounding and the same is dismissed.

(A.B.CHAUDHARI)
JUDGE

May 24, 2017
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No