

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

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**CRM-M-27669-2021
Date of Decision : 17.11.2021**

Ved Pal Saroha

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Anshul Jain, Advocate
for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General,
Haryana for respondent No.1-State.

Mr. Rakesh Sobti, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.150 dated 09.04.2019 registered under Sections 323 and 506 of the Indian Penal Code, 1860 at Police Station Dabua, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 19.03.2021 (Annexure P-2) effected between the parties.

Learned counsel for respondent No.2 has filed his power of attorney in the Court today which is taken on record.

Reply by way of an affidavit dated 09.11.2021 of Sh. Sukhbir Singh, HPS, Assistant Commissioner of Police, Badkhal, District Faridabad on behalf of respondent No.1-State has been filed in Registry which is taken on record.

Pursuant to order dated 20.07.2021 passed by the Coordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Faridabad to get their statements recorded. Learned Judicial Magistrate 1st Class, Faridabad submitted his report along with copies of statements of the parties vide letter No.2800 dated 05.08.2021 duly forwarded by learned District and Sessions Judge, Faridabad vide letter No.16390 dated 06.08.2021.

I have heard learned Counsel for the petitioner, 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 *Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482*, *State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255* and *Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052*.

According to the report, learned Judicial Magistrate 1st Class, Faridabad is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

Considering the report of learned Judicial Magistrate 1st Class, Faridabad dated 05.08.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.150 dated 09.04.2019 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly

(ASHOK KUMAR VERMA)
JUDGE

17.11.2021
Kothiyal

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