

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-34661-2021

Date of Decision: 22.11.2021

(PROCEEDINGS THROUGH V.C.)

Inderjit Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vishnu Dutt, Advocate for the petitioners.

Mr. K.S. Aulakh, Deputy Advocate General, Punjab.

Mr. Naveen Bawa, Advocate for respondents No. 2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing Cross Case No. 002 dated 05.02.2021 (Annexure P-1) registered under Sections 341, 323, 326 and 506 read with Section 34 IPC at Police Station Gharinda, District Amritsar, in case FIR No. 0016 dated 26.01.2021, registered under Sections 326, 323, 324 and 506 read with Section 34 IPC at Police Station Gharinda, District Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 23.07.2021 (Annexure P-2) effected between the parties.

Pursuant to order dated 26.08.2021 passed by the Coordinate Bench of this Court, the parties appeared before the learned Chief Judicial Magistrate, Amritsar, on 13.09.2021 to get their statements

recorded. Learned Chief Judicial Magistrate, Amritsar, submitted his report along with copies of statements of the parties vide letter No. 937 dated 16.11.2021 duly forwarded by learned District and Sessions Judge, Amritsar, through e-mail dated 17.11.2021.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.2 and 3 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 Chief Judicial Magistrate, Amritsar, is satisfied that compromise effected between the parties is genuine and valid, and without any coercion or undue influence from any corner. It has also been reported that there are only four accused in the present case, namely; Inderjit Singh, Jaswant Singh, Narinder Kaur and Jaskaran Singh (petitioners herein) and none of them have been declared as proclaimed offender nor they involved in any other case except the present DDR.

Considering the report of learned Chief Judicial Magistrate, Amritsar dated 16.11.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid Cross Case No. 002 dated 05.02.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

November 22, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No