

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-33141-2020

Date of Decision: 25.11.2021

Pooja Arora and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.S. Gill, Advocate for the petitioners.

Mr. C.L. Panwar, Senior Deputy Advocate General, Punjab.

Mr. Ashok Kumar, Advocate for respondents No. 2 to 5.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 51 dated 23.02.2019 (Annexure P-1), under Sections 306/34 IPC at Police Station Phillaur, District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 21.08.2020 (Annexure P-2) effected between the parties.

Pursuant to the order dated 12.08.2021, passed by the Coordinate Bench of this Court, the parties appeared before the learned Additional District and Sessions Judge, Jalandhar on 24.08.2021, to get their statements recorded. Learned Additional District and Sessions Judge, Jalandhar, submitted his report along with copies of statements of the parties vide letter No. 231 dated 21.09.2021 duly forwarded by learned District and Sessions Judge, Jalandhar, vide letter No. 2960

G/JRK dated 23.09.2021.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for respondents No.2 to 4 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 ***Gian Singh Vs. State of Punjab and another, 2012(4) RCR (Criminal) 543, 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 Additional District and Sessions Judge, Jalandhar, is satisfied that compromise effected between the parties is genuine and has been effected between the parties voluntarily, without any pressure of any type from any quarter. It has also been reported that all the accused-petitioners are on bail and they are not involved in any other case except the present one.

Considering the report of learned Additional District and Sessions Judge, Jalandhar, dated 21.09.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 51 dated 23.02.2019 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

November 25, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No