

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38843-2021

Date of Decision: 18.11.2021

(PROCEEDINGS THROUGH V.C.)

Gurpreet Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Ramneet Kaur, Advocate for
Mr. Sarju Puri, Advocate for the petitioners.

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

Mr. Mohit Giri, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 80 dated 21.07.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Rahon, District SBS Nagar and all consequential proceedings arising therefrom on the basis of compromise dated 02.09.2021 (Annexure P-2) effected between the parties.

Pursuant to order dated 20.09.2021 passed by the Coordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar to get their statements recorded. Learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, submitted his report along with copies of

statements of the parties vide letter No. 1238/CJSD/A.21 dated 11.11.2021 duly forwarded by learned District and Sessions Judge, Shaheed Bhagat Singh Nagar vide Endst. No. 1021/DSJ-19A dated 12.11.2021.

I have heard learned Counsel for the petitioners, 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 Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, is satisfied that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and no PO proceeding is pending against any party.

Considering the report of learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar dated 11.11.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 80 dated 21.07.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

November 18, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No