

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40023-2020

Date of Decision: 24.11.2021

(PROCEEDINGS THROUGH V.C.)

Atinderpal Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

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

Mr. Vinay Kumar Malhotra, 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. 0017 dated 03.03.2020 (Annexure P-1) registered under Sections 323, 341, 506, 148 and 149 IPC at Police Station Ghuman, District Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise dated 18.11.2020 (Annexure P-2) effected between the parties.

Pursuant to various orders dated 02.12.2020, 21.12.2020 and 23.03.2021 passed by the Coordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Batala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Batala, submitted his report along with copies of statements of the parties vide letter No. 147 dated 09.04.2021 duly forwarded by learned District and

Sessions Judge, Gurdaspur, vide Endst. No. 6779/RKT dated 16.04.2021.

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 Judicial Magistrate Ist Class, Batala, is satisfied that compromise effected between the parties is genuine and without any pressure, coercion or undue influence. It has also been reported that there are six accused in the present case, namely; Atinderpal Singh, Jasbir Singh, Prakash Singh, Sukhjinder Singh, Pargan Singha and Navjot Singh (petitioners herein); none of them have been declared as proclaimed offender and they are not involved in any other case except the present one.

Considering the report of learned Judicial Magistrate Ist Class, Batala dated 09.04.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 0017 dated 03.03.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

November 24, 2021
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No