

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2808-2022

Date of Decision: 22.11.2022

Shubham Kundu and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Naveen Kashyap, Advocate for
Mr. Vikram Rana, 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. 0049 dated 13.02.2021 (Annexure P-1) registered under Section 25 of the Arms Act and Sections 397 and 511 IPC at Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise dated 01.12.2021 (Annexure P-2).

Pursuant to the order dated 04.02.2022, passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Kurukshetra, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Kurukshetra,

has submitted his report along with statements of the parties vide letter No. 314 dated 04.03.2022 duly forwarded by the learned District and Sessions Judge, Kurukshetra, vide letter No. 924(J) dated 07.03.2022.

Learned counsel for the petitioners contends that the matter has been compromised between the parties and statements qua genuineness of the compromise have also been recorded. Therefore, the instant FIR may be ordered to be quashed. In support of his contentions, learned counsel for the petitioners has placed reliance upon judgments in ***Mohd. Muddasar Ansari vs. State of Maharashtra and others, 2011 (14) RCR (Criminal) 95*** and ***Parveen Kumar vs. The State of Bihar and others, 2017(4) PLJR 235.***

I have heard learned Counsel for the petitioners, learned State Counsel, learned counsel for respondents 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 ***Gian Singh vs. State of Punjab and anr., 2012 (4) RAJ 549: 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, Kurukshetra, is satisfied that the parties have voluntarily entered into the compromise which is in the interest of parties and would bring harmony and peace between the parties. The same is genuine and is not result of any pressure or coercion in any manner.

Considering the report of learned Additional Chief Judicial Magistrate, Kurukshetra and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 0049 dated 13.02.2021 (Annexure P-1) and all subsequent proceedings arising

therefrom, are quashed, qua petitioners, only, subject to deposit of Rs.25,000/- with the High Court Legal Services Committee, Chandigarh, within two weeks from today towards cost of proceeding. The petitioners shall furnish a copy of receipt qua deposit of costs in the Registry, within the stipulated time, failing which this petition shall be deemed to be dismissed.

Disposed of, accordingly.

November 22, 2022
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No