

CRM-M-5959 of 2019

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5959 of 2019
Date of Decision: 27.09.2022

Nitish Galyan

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Abhimanyu, Advocate,
for Mr. Deepak Agnihotri, Advocate, for the petitioner.
Mr. Hakam Singh, Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No.0152 dated 09.11.2016 registered under Sections 420, 409 IPC at Police Station Sadar Phagwara, District Kapurthala, and all subsequent proceedings arising therefrom on the basis of compromise between the parties.

Pursuant to the order dated 28.02.2019 passed by a co-ordinate Bench of this Court, the parties appeared before the Judicial Magistrate Ist Class, Phagwara, to get their statements recorded. Learned Judicial Magistrate Ist Class, Phagwara, has submitted his report along with statements of the parties vide letter No.485 dated 27.03.2019 duly forwarded by the District and Sessions Judge, Kapurthala, vide Endst. No.600/RSA/File dated 30.03.2019.

I have heard learned counsel for the petitioner and learned

CRM-M-5959 of 2019

State counsel 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***

CRM-M-5959 of 2019

(Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.

According to the report, learned Judicial Magistrate Ist Class, Phagwara, is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or threat.

Considering the report of learned Judicial Magistrate Ist Class, Phagwara, dated 27.03.2019 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.0152 dated 09.11.2016 and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

September 27, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No