

CRM-M-7194 of 2022

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

CRM-M-7194 of 2022
Date of Decision: 28.09.2022

Kulwant Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. P.S. Kanwar, Advocate, for the petitioners.
Mr. Amish Sharma, Assistant Advocate General, Punjab.
Ms. Jyoti Kaur, Advocate,
for Mr. Amit Arora, 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.02 dated 07.01.2022 registered under Sections 420, 466, 467, 468, 471, 120-B IPC at Police Station Goindwal Sahib, District Tarn Taran, and all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Pursuant to the order dated 22.02.2022 passed by a Co-ordinate Bench of this Court the parties appeared before the Sub Divisional Judicial Magistrate, Khadur Sahib, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Khadur Sahib, has submitted her report along with statements of the parties vide letter No.79 dated 7.3.2022 duly forwarded by the District and Sessions Judge, Tarn Taran, vide letter No.1401R dated 9.3.2022.

CRM-M-7194 of 2022

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*

CRM-M-7194 of 2022

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 reports, learned Sub Divisional Judicial Magistrate, Khadur Sahib, is satisfied that the compromise arrived at between the parties is genuine, voluntary, without any coercion or undue influence with their free will.

Considering the reports of learned JSub Divisional Judicial Magistrate, Khadur Sahib, dated 7.3.2022 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.02 dated 07.01.2022 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

September 28, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No