

CRM-M-9142 of 2021

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

CRM-M-9142 of 2021
Date of Decision: 09.09.2022

Shahina Tabassum and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Rahul, Advocate,
for Mr. Saqib Ali Khan, Advocate, for the petitioners.
Mr. Viney Kumar Gupta, Deputy Advocate General, Punjab.
Mr. Satish Saini, Advocate, for respondents No.2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No.93 dated 06.06.2020, registered under Sections 353, 186, 506, 34 IPC; Section 3 of the Epidemic Act, 1897 and Section 51 of the Disaster Management Act, 2005 at Police Station City-I, Malerkotla, on the basis of compromise dated 29.06.2020 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 25.02.2021 passed by a co-ordinate Bench of this Court, the parties appeared before the Sub Divisional Judicial Magistrate, Malerkotla, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Malerkotla, has submitted her report along with statements of the parties vide letter No.511 dated 06.04.2021 duly forwarded by the District and Sessions

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Judge, Malerkotla, vide Endst. No.2323/EB dated 07.04.2021.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondents No.2 and 3 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)*** :

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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 Sub Divisional Judicial Magistrate, Malerkotla, is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion and undue influence.

Considering the report of learned Sub Divisional Judicial Magistrate, Malerkotla dated 06.04.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.93 dated 06.06.2020 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

September 09, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No