

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

281

CRM-M-7872-2020

Date of Decision : 08.12.2022

Baljeet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Amit Kumar, Advocate
for the petitioners.

Mr. Joginder Singh Ratra, Senior D.A.G., Punjab
for respondent No.1-State.

Mr. Gautam Kaile, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.188 dated 08.10.2006 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Cheeka, District Kaithal **(Annexure P-1)** and all consequential proceedings arising therefrom on the basis of compromise dated 19.12.2019 **(Annexures P-2)** effected between the private parties.

Pursuant to order dated 24.02.2020 passed by the Coordinate Bench of this Court, report dated 18.03.2020 from learned Sub Divisional Judicial Magistrate, Guhla through learned District and Sessions Judge, Kaithal has been received. As per the said report statements of petitioner No.1-Baljeet Singh and respondent No.2-Harjit Singh were recorded. However, statement of petitioner No.2-Jaswinder

Singh was not recorded as he was declared proclaimed offender by the trial Court vide order dated 07.12.2007.

Vide order dated 21.09.2022 passed by this Court, petitioner No.2-Jaswinder Singh was directed to surrender/appear before the Trial Court/Illaq Magistrate within 10 days for recording his statements and it was also directed that on such appearance, petitioner No.2-Jaswinder Singh shall be released on bail on furnishing of bail bonds by him to the satisfaction of the Trial Court/Illaq Magistrate.

Pursuant to order dated 21.09.2022 passed by this Court, petitioner No.2-Jaswinder Singh appeared before learned Sub Divisional Judicial Magistrate, Guhla to get his statement recorded. Learned Sub Divisional Judicial Magistrate, Guhla submitted his report dated 01.10.2022 through learned District and Sessions Judge, Kaithal which is taken on record.

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 *Gian Singh Vs. State of Punjab and another : 2012(4) RCR Criminal) 543*, *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 Sub Divisional Judicial Magistrate, Guhla is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

Considering the reports dated 18.03.2020 and 01.10.2022 of learned Sub Divisional Judicial Magistrate, Guhla and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.188 dated 08.10.2006 (**Annexure P-1**) and all

subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

08.12.2022 Kothiyal	(ASHOK KUMAR VERMA)	
	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No