

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

261

**CRM-M-8519-2019
Date of Decision : 12.09.2022**

Subash and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Daljeet Singh Virk, Advocate
for the petitioners.

Mr. Tanuj Sharma, Asstt. A.G., Haryana
for respondent No.1-State.

Mr. A.S. Brar, Advocate
for respondents No.2 and 3.

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.242 dated 06.12.2015 registered under Sections 323, 34 and 452 of the Indian Penal Code, 1860 at Police Station Nathu Sarai Chopta, District Sirsa (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 06.02.2019 (**Annexure P-2**) effected between the private parties.

Pursuant to order dated 26.02.2019 passed by the Coordinate Bench of this Court, the parties appeared before learned Judicial Magistrate First Class, Sirsa to get their statements recorded. Learned Judicial Magistrate First Class, Sirsa submitted his report along with copies of statements of the parties vide letter No.277 dated

07.03.2019 through learned District and Sessions Judge, Sirsa.

Reply by way of an affidavit dated 14.05.2019 of Sh.Jagdish Kumar, HPS, Deputy Superintendent of Police, Ellenabad, District Sirsa, on behalf of respondent No.1-State, has been filed in the Registry which is taken on record.

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) : 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 Judicial Magistrate First Class, Sirsa 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 report dated 07.03.2019 of learned Judicial Magistrate First Class, Sirsa and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.242 dated 06.12.2015 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

12.09.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No