

CRM-M-8666 of 2020

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

CRM-M-8666 of 2020
Date of Decision: 09.09.2022

Jasmeen Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. A.S. Khosa, Advocate, for the petitioner.
Mr. Viney Kumar Gupta, Deputy Advocate General, Punjab.
Mr. H.P.S. Sidhu, Advocate, for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No.343 dated 28.07.2013 registered under Sections 307/325/323/506 IPC at Police Station Tripuri, District Patiala and for setting aside judgment of conviction and order of sentence dated 06.12.2016 passed by the trial Court whereby petitioner has been convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of ₹5000/- under Section 325 IPC and in default of payment of fine to further undergo simple imprisonment for one month and to undergo rigorous imprisonment for one year and to pay a fine of ₹1000/- under Section 323 IPC and in default of payment of fine to further undergo simple imprisonment for 15 days and all subsequent proceedings arising therefrom on the basis of compromise dated 05.02.2020 (Annexure P-3).

Pursuant to the order dated 27.02.2020 passed by a co-

CRM-M-8666 of 2020

ordinate Bench of this Court, the parties appeared before the Judicial Magistrate Ist Class, Patiala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Patiala, has submitted his report along with statements of the parties vide letter No.2 dated 04.05.2020 duly forwarded by the District and Sessions Judge, Patiala, vide letter No.2693/AL dated 05.05.2020.

I have heard learned counsel for the petitioner, 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

CRM-M-8666 of 2020

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 Ist Class, Patiala, is satisfied that parties have arrived at a compromise voluntarily, without any coercion or undue influence and no accused has been declared proclaimed offender.

Considering the report of learned Judicial Magistrate Ist Class, Patiala dated 04.05.2020 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.343 dated 28.07.2013 and all subsequent proceedings arising therefrom, including judgment of conviction dated 06.12.2016 are quashed/set aside and the petitioner stands acquitted of the charge.

Disposed of, accordingly.

September 09, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No