

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-39747-2022 in/and
CRM-M-12477-2022

Date of Decision: 18.11.2022

Sanjeev Kumar and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vikram Singh, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Pankaj Bali, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-39747-2022

Prayer in this application is for pre-poning the date of hearing in the main case from 18.11.2022 to some early date.

This instant application is disposed of as having been rendered infructuous.

CRM-M-12477-2022

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 0403 dated 23.09.2021 (Annexure P-1) registered under Sections 420, 467, 468, 471 and 120-B IPC at Police Station Madhuban Karnal, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise dated 03.02.2022 (Annexure P-2).

Pursuant to the order dated 29.04.2022 and 11.05.2022, passed by a co-ordinate Bench of this Court, the parties appeared before

the learned Additional Chief Judicial Magistrate, Karnal, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Karnal, has submitted his report along with copies of statements of the parties vide letter No. 421 dated 26.05.2022 duly forwarded by the learned District and Sessions Judge, Karnal, vide letter No. 8052 dated 27.05.2022.

I have heard learned Counsel for the petitioners, learned State Counsel, 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 anr.*, 2012 (4) RAJ 549; *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, Additional Chief Judicial Magistrate, Karnal, is satisfied that compromise has been entered into by all the parties voluntarily and by their free will. It has further been reported that in the present case Sh. Jagdish Candher, GPA holder of petitioner No. 3-Shalini Kumari, appeared and suffered statement on her behalf.

Considering the report of learned Additional Chief Judicial Magistrate, Karnal and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 0403 dated 23.09.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

November 18, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No