

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

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**CRM-M-10495-2019
Date of Decision : 11.10.2022**

Avtar Singh @ Happy

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab
for the respondent No.1-State.

Mr. Nitin Sharma, Advocate for
Mr. B.S. Jaswal, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.20 dated 23.02.2019 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Mehatpur, District Jalandhar Rural (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise (**Annexure P-2**) effected between the private parties.

Pursuant to order dated 07.03.2019 passed by the Coordinate Bench of this Court, the private parties appeared before learned Judicial Magistrate First Class, Nakodar to get their statements recorded. Learned Judicial Magistrate First Class, Nakodar submitted

his report along with copies of statements of the parties vide letter dated 23.04.2019 through learned District and Sessions Judge, Jalandhar which is taken on record.

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 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 Judicial Magistrate First Class, Nakodar 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 23.04.2019 of learned Judicial Magistrate First Class, Nakodar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.20 dated 23.02.2019 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

11.10.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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