

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13630-2022

Date of Decision: 18.11.2022

Jagtar Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amandeep Chhabra , Advocate for the petitioners.

Mr. Jaspal Singh Guru, Assistant Advocate General, Punjab.

Mr. Vikas Bishnoi, Advocate for
Mr. Lovepreet Singh, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 60 dated 17.08.2013 (Annexure P-1) registered under Sections 325 and 323 read with Section 34 IPC at Police Station Sadar Bathinda, District Bathinda as well as the judgment of conviction and order of sentence dated 28.02.2018 (Annexure P-2) of the learned Judicial Magistrate Ist Class, Bathinda, vide which the petitioner No. 5-Lakhvir Singh was convicted under Sections 148/325 IPC and under Section 323 read with Section 149 IPC whereas petitioners No. 1 to 4 were convicted under Section 148 IPC and Sections 325 and 323 read with Section 149 IPC and the maximum punishment awarded to him is to undergo rigorous imprisonment for a period of three years under

Section 325/149 IPC and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4) effected between the parties.

Pursuant to the order dated 05.04.2022, passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional District and Sessions Judge, Bathinda, to get their statements recorded. Learned Additional District and Sessions Judge, Bathinda, submitted a consolidated report along with copies of statements of the parties vide letter No. 421 dated 02.07.2022 duly forwarded by learned District and Sessions Judge, Bathinda, vide letter No. 1076 dated 04.07.2022. The report is attached with the paper-book of connected case bearing CRM-M-13622-2022.

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, learned Additional District and Sessions Judge, Bathinda, is satisfied that the compromise effected between the parties is quite genuine, voluntary and without any coercion or undue influence. It has further been reported that except the present case, petitioner No. 2-Sewak Singh, is also involved in case FIR No. 32 dated 23.03.2011, under Sections 341, 323/34 IPC, Police Station Sadar, Bathinda.

In the present case, the petitioners has already been convicted by learned Judicial Magistrate First Class, Bathinda vide judgment of conviction and order of sentence dated 28.02.2018. Appeal

against the aforesaid judgment of conviction is also pending before the Appellate Court at Bathinda. Hon'ble Division Bench of this Court in case ***Sube Singh and another Vs. State of Haryana and another : 2013 (4) RCR (Criminal) 102*** held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Keeping in view the report dated 02.07.2022 of learned Additional District and Sessions Judge, Bathinda and the fact that the compromise will bring peace and harmony between the parties as well as in view of the law laid down by the Hon'ble Division Bench of this Court in ***Sube Singh and another's case (supra)***, the aforesaid FIR No. 60 dated 17.08.2013 (Annexure P-1) and all subsequent proceedings arising therefrom are quashed, qua the petitioners only, subject to deposit of Rs.25,000/- with the High Court Legal Services Committee, Chandigarh, within two weeks from today towards cost of proceeding. The petitioners shall furnish a copy of receipt qua deposit of costs in the Registry, within the stipulated time, failing which this petition shall be deemed to be dismissed.

The instant petition stands, disposed of, accordingly.

November 18, 2022
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No