

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21629-2018

Date of Decision: 09.09.2022

Sunder Kumar and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. A.S. Bhatti, Advocate for the petitioners.

Mr. Vinay Kumar Gupta,
Assistant Advocate General, Punjab.

Mr. Ritesh Pandey, Advocate for respondents No. 2 to 6.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 31 dated 07.02.2018 (Annexure P-1), registered under Sections 420 and 406 IPC at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise dated 05.05.2018 (Annexure P-2) effected between the parties.

Pursuant to the order dated 21.05.2018 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Garhshankar, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Garhshankar submitted her report along with statements of the parties vide letter No. 144 dated 20.06.2018 duly forwarded by learned District and

Sessions Judge, Hoshiarpur, vide letter No. 19125 dated 22.06.2018.

I have heard learned Counsel for the petitioners, learned State Counsel, learned counsel for respondents No. 2 to 6 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 Sub Divisional Judicial Magistrate, Garhshankar, is satisfied that the compromise has been arrived at genuinely and is made voluntarily without any pressure or coercion.

Considering the report of learned Sub Divisional Judicial Magistrate, Garhshankar dated 20.06.2018 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 31 dated 07.02.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

September 09, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**