

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14597-2022

Date of Decision: 16.08.2022

Mohd. Aslam

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Abdul Aziz, Advocate for the petitioner.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Mr. Pardeep Singh, 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. 223 dated 16.10.2020 (Annexure P-1), registered under Sections 323, 324 and 506 IPC (Section 326 IPC was added later on) at Police Station Amargarh, Sangrur (now District Malerkotla) and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2021 (Annexure P-2) effected between the parties.

Pursuant to the order dated 06.04.2022 passed by the Coordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Malerkotla, to get their statements recorded. Learned Judicial Magistrate Ist Class, Malerkotla, submitted his report

along with statements of the parties vide letter No. 131 dated 31.05.2022 duly forwarded by learned District and Sessions Judge, Sangrur, vide Endst. No. 4648/EB dated 04.06.2022.

I have heard learned Counsel for the petitioners, 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 *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, Malerkotla, is satisfied that the parties have entered into compromise with their own free will and without any pressure or coercion or undue influence. The said compromise seems to be genuine, voluntary and out of free will of the parties.

Considering the report of learned Judicial Magistrate Ist Class, Malerkotla dated 31.05.2022 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 223 dated 16.10.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly

August 16, 2022

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No