

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17860-2021

Date of Decision: 21.09.2022

Bhupinder Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. N.P.S. Mann, Advocate for the petitioners.

Mr. Amish Sharma, Assistant Advocate General, Punjab.

Mr. Mohit Kumar, Advocate for

Mr. A.S. Barnala, 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. 49 dated 07.04.2021 (Annexure P-1), registered under Sections 341, 323 and 506 read with Section 34 IPC at Police Station Sardoolgarh, District Mansa and all the consequential proceedings arising therefrom, on the basis of compromise and affidavit dated 15.04.2021 (Annexures P-2 and P-3, respectively) effected between the parties.

Pursuant to the order dated 29.04.2021, passed by a co-ordinate Bench of this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sardulgarh, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Sardulgarh, submitted his report along with statements of the parties vide letter

No. 359 dated 26.05.2021 duly forwarded by learned District and Sessions Judge, Mansa, vide letter No. 3411 dated 27.05.2021.

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 ***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, Sardulgarh, is satisfied that the compromise effected between the parties is *bona fide*, without any coercion or undue influence and the same is genuine and voluntary.

Considering the report of learned Sub Divisional Judicial Magistrate, Sardulgarh dated 26.05.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 49 dated 07.04.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

September 21, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**