

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18963-2022

Date of Decision: 30.08.2022

Kaptan Singh

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Kiran Bala Jain and Ms. Vrinda Khanna, Advocates
for the petitioner.

Mr. Himmat Singh, Deputy Advocate General, Haryana.

Mr. Satnam Anand, Advocate for respondents No. 2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 194 dated 29.05.2020 (Annexure P-1) registered under Sections 406 and 420 IPC and Section 24 of the Immigration Act, 1983, Police Station Pundri, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise dated 03.10.2020 and affidavit dated 03.07.2020 (Annexure P-2) effected between the parties.

Pursuant to the order dated 07.05.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Kaithal, to get their statements recorded.

Learned Judicial Magistrate Ist Class, Kaithal, submitted her report along with statements of the parties vide letter No. 1382 dated 22.08.2022 duly forwarded by learned District and Sessions Judge, Kaithal, vide letter No. 2216 dated 22.08.2022. It has also been mentioned in the report that as many as 14 cases of similar nature have been registered against co-accused-Satpal (in CRM-M-32317-2020), whereas 9 cases of similar nature have been registered against petitioner-Kaptan Singh, including the present one.

I have heard learned Counsel for the petitioner, learned State Counsel, learned counsel for respondents No. 2 and 3 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, Kaithal, is satisfied that the compromise effected between the parties is genuine and the same is effected out of their own free will and without any threat, pressure or undue influence and the complainant has no objection, if, the present case FIR No. 194 dated 29.05.2020 (Annexure P-1) is quashed.

Considering the report of learned Judicial Magistrate Ist Class, Kaithal dated 22.08.2022 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 194 dated 29.05.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only, subject to deposit of costs of Rs.50,000/- by the petitioner with the Poor Patients' Welfare Fund, Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

The petitioner shall submit the receipt qua deposit of

aforesaid costs in the Registry, within 15 days from the date of receipt of certified copy of this order, failing which this petition shall be deemed to be dismissed.

Disposed of, accordingly

August 30, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No