

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18408-2022

Date of Decision: 21.10.2022

Bhola @ Jayram Kumar Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Abhinav Singla, Advocate for
Mr. Amit Goyal, Advocate for the petitioners.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

Mr. Rishav Soni, 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. 91 dated 27.04.2021 (Annexure P-1), registered under Sections 323, 341, 324, 506, 148 and 149 IPC at Police Station Jamalpur, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 20.01.2022 (Annexure P-2) effected between the parties.

Pursuant to the order dated 02.05.2022, passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Ludhiana, to get their statements recorded.

Learned Judicial Magistrate Ist Class, Ludhiana, submitted his report along with statements of the parties vide letter No. 114 dated 01.08.2022 duly forwarded by learned District and Sessions Judge, Ludhiana, vide letter No. 714/G/EC dated 03.08.2022.

It has been mentioned in the report that the FIR in question was registered against 7 persons, namely, Mintu Singh, Bhola, Kundan S/o Santu, Santu, Vijay Kumar, Hariom Singh and Shivam Singh. As per challan report filed by the police under Section 173 Cr.P.C., three persons, namely, Mintu Singh, Hariom Singh and Shivam Singh (both sons of Mintu Singh) have been declared innocent by the police. Petitioner No. 1-Bhola Kumar Singh, is juvenile and proceedings qua him are pending before the learned Juvenile Justice Board. It has further been reported that challan against three persons, namely, Santu, Kundan Kumar Singh and Vijay Singh has been presented.

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 Judicial Magistrate Ist Class, Ludhiana, is satisfied that the compromise between the parties appears to be genuine, voluntary and out of free will of the parties.

Considering the report of learned Judicial Magistrate Ist Class, Ludhiana dated 01.08.2022 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 91 dated

27.04.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

October 21, 2022
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(ASHOK KUMAR VERMA)
JUDGE

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