

CRM-M-19484 of 2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19484 of 2022
Date of Decision: 29.08.2022

Harish Kumar and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Rahul, Advocate,
for Mr. Naveen Batra, Advocate, for the petitioners.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.
Mr. Raman Kumar, Advocate, for respondents No.2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR NO.47 dated 30.04.2019 registered under Sections 323, 341, 506, 148, 149 IPC at Police Station Anandpur Sahib, District Rupnagar, along with consequential proceedings, on the basis of compromise dated 16.02.2022 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 16.05.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, has submitted his report along with statements of the parties vide letter No.78 dated 23.05.2022 duly forwarded by the District

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and Sessions Judge, Rupnagar, vide Endst. No. 7737 dated 23.05.2022.

I have heard learned counsel for the petitioners, learned State counsel and 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)*** :

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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, Sri Anandpur Sahib, is satisfied that the compromise effected between the parties is genuine, voluntary and out of free will of parties.

Considering the report of learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib dated 23.05.2022 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.47 dated 30.04.2019 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

August 29, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No