

CRM-M-20449 of 2021

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

CRM-M-20449 of 2021
Date of Decision: 28.09.2022

Manpreet Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vikas Gupta, Advocate, for the petitioners.
Mr. Amish Sharma, Assistant Advocate General, Punjab.
Mr. Harsh Goyal, 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 FIR No.23 dated 27.02.2021 registered under Sections 326/394/341/427/506/324/34 IPC at Police Station Sadar Tarn Taran, District Tarn Taran, and all consequential proceedings arising therefrom on the basis of compromise dated 03.05.2021 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 02.07.2021 passed by a Co-ordinate Bench of this Court the parties appeared before the Additional Chief Judicial Magistrate, Tarn Taran, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Tarn Taran, has submitted his report along with statements of the parties vide letter No.454 dated 05.08.2021 duly forwarded by the District and Sessions Judge, Tarn Taran, vide Endst. No.3919-R dated 06.08.2021.

CRM-M-20449 of 2021

I have heard learned counsel for the petitioner, 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) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi*

CRM-M-20449 of 2021

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 reports, learned Additional Chief Judicial Magistrate, Tarn Taran, is satisfied that the compromise arrived at between the parties is genuine, voluntary and out of their free will.

Considering the reports of learned Additional Chief Judicial Magistrate, Tarn Taran, dated 05.08.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.23 dated 27.02.2021 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

September 28, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No