

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

257

CRM-M-38571-2018 (O&M)

Date of Decision: 12.12.2022

Nirang Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Pardhuman Garg and Mr. Monty Goyal, Advocates
for the petitioners.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Copy of receipt dated 31.08.2022, qua deposit of Rs.5000/-
in terms of order dated 28.09.2018, passed by a co-ordinate Bench of this
Court, filed by learned counsel for the petitioners is taken on record.

The petitioners have filed the present petition under Section
482 Cr.P.C., for quashing FIR No. 150 dated 10.07.2018 (Annexure P-1)
registered under Sections 451, 323, 506, 427, 148 and 149 IPC at Police
Station Samrala, Police District Khanna, District Ludhiana and all the
consequential proceedings arising therefrom, on the basis of compromise
dated 28.07.2018 (Annexure P-2).

Pursuant to the order dated 05.09.2018 passed by a
co-ordinate Bench of this Court, the parties appeared before the learned
Sub Divisional Judicial Magistrate, Samrala, to get their statements
recorded. Learned Sub Divisional Judicial Magistrate, Samrala, has

submitted her report along with copies of statements of the parties vide letter No.657 dated 24.09.2018 duly forwarded by the learned District and Sessions Judge, Ludhiana, vide letter No. 848/EC dated 25.09.2018.

I have heard learned counsel for the parties 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 Sub Divisional Judicial Magistrate, Samrala, is satisfied that the compromise effected between the parties appears to be genuine and without any pressure or coercion.

Considering the report of learned Sub Divisional Judicial Magistrate, Samrala and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 150 dated 10.07.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

Since, the main petition has been disposed of, therefore, no separate order is required to be passed in the miscellaneous application(s) pending, if any and the same also stand disposed of.

December 12, 2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No