

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

268

**CRM-M-21940-2022
Date of Decision : 19.09.2022**

Akashdeep Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. P.K. Ganga Advocate
for the petitioner.

Mr. Tanuj Sharma, Asstt. A.G., Haryana
for the respondent No.1-State.

Ms. Gurdeep Kaur, Advocate for
Ms. Ruchi Sekhi, Advocate for
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.362 dated 28.11.2019 registered under Sections 148, 149, 427 and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (Sections 440 and 457 of the IPC were added later on) at Police Station Sadar Dabwali, District Sirsa (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 13.05.2022 (**Annexure P-6**) effected between the private parties.

Pursuant to order dated 20.05.2022 passed by the Coordinate Bench of this Court, the private parties appeared before learned Judicial Magistrate First Class, Dabwali to get their statements

recorded. Learned Judicial Magistrate First Class, Dabwali submitted his report along with copies of statements of the parties vide letter No.330 dated 19.07.2022 through learned District and Sessions Judge, Sirsa which is taken on record.

According to the report, there are 07 accused persons out of which 02 are juvenile, 04 are major and 01 accused namely Mukesh Kumar has already expired. Respondent No.2 has made compromise with the petitioner only at this stage and learned Judicial Magistrate First Class, Dabwali is satisfied that compromise effected between respondent No.2 and the petitioner is genuine, outcome of free consent of the parties and is without coercion from any quarter.

I have heard learned Counsel for the petitioner, learned State Counsel and 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 another : 2012(4) RCR Criminal) 543*, *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*.

Considering the report dated 19.07.2022 of learned Judicial Magistrate First Class, Dabwali and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.362 dated 28.11.2019 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

19.09.2022
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No