

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25332-2019

Date of Decision: 26.08.2022

Nishan Singh and Another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amit Arora, Advocate for the petitioners.

Mr. Vinay Kumar Gupta,
Assistant Advocate General, Punjab.

None 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. 158 dated 01.12.2018 (Annexure P-1), registered under Sections 326 and 323 IPC at Police Station Jhabal District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise Annexure P-2 effected between the parties.

Pursuant to the order dated 30.05.2019 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Tarn Taran, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Tarn Taran, submitted her report along with statements of the parties vide letter No. 210 dated 09.07.2019 duly forwarded by learned District and

Sessions Judge, Tarn Taran, vide Endst. No. 3964/R dated 09.07.2019.

I have heard learned Counsel for the petitioner, learned State Counsel 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 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 Additional Chief Judicial Magistrate, Tarn Taran, is satisfied that the compromise effected between the parties appears to be genuine and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner and there is no PO proceedings pending against the accused persons..

Considering the report of learned Additional Chief Judicial Magistrate, Tarn Taran, dated 09.07.2019 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 158 dated 01.12.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

August 26, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**