

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25191-2019

Date of Decision: 08.12.2022

Harwinder Kaur and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Lakhwinder Singh , Advocate for the petitioners.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

Mr. Digvijay, Advocate for

Mr. Sandeep Siwach, Advocate 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. 81 dated 02.06.2018 (Annexure P-1) registered under Sections 379-B, 341, 323, 506, 148 and 149 IPC at Police Station Chhajali, District Sangrur 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 Judicial Magistrate Ist Class, Sunam (Duty), to get their statements recorded. Learned Judicial Magistrate Ist Class, Sunam (Duty), submitted her report along with statements of the parties vide letter No. 201 dated 15.06.2019 duly forwarded by learned District and Sessions Judge,

Sangrur, vide Endst. No. 4660/EB dated 17.06.2019.

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 Judicial Magistrate Ist Class, Sunam (Duty), is satisfied that the compromise effected between the parties is genuine, voluntarily, with their free consent, without any fear, undue influence and pressure.

Keeping in view the report dated 15.06.2019 of learned Judicial Magistrate Ist Class, Sunam (Duty) and the fact that the compromise will bring peace and harmony between the parties, the aforesaid FIR No. 81 dated 02.06.2018 (Annexure P-1) and all subsequent proceedings arising therefrom are quashed, qua the petitioners only, subject to deposit of Rs.25,000/- with the High Court Legal Services Committee, Chandigarh, within two weeks from today towards cost of proceeding. The petitioners shall furnish a copy of receipt qua deposit of costs in the Registry, within the stipulated time, failing which this petition shall be deemed to be dismissed.

The instant petition stands, disposed of, accordingly.

December 08, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No