

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-33600-2021

Date of Decision: 09.11.2022

Davinder Singh @ Silki

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Rahul Soi, Advocate for the petitioner.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

Mr. Shubham Pathania, Advocate for
Mr. Prashant Puri, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 0016 dated 28.02.2018 (Annexure P-1) registered under Sections 325, 324, 323 and 506 IPC at Police Station Sadar, Nabha and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.04.2021 (Annexure P-2) effected between the parties.

Pursuant to the orders dated 19.08.2021 and 24.11.2022, passed by co-ordinate Benches of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Nabha, to get their statements recorded. Learned Judicial Magistrate Ist Class, Nabha, has submitted two reports along with copies of statements of the parties vide letter

Nos. 255 dated 17.11.2021 and 301 dated 22.12.2021, duly forwarded by the learned District and Sessions Judge, Patiala, vide letter Nos. 8093/AL dated 18.11.2021 and 8940/AL dated 24.12.2021, respectively.

I have heard learned Counsel for the petitioner, learned State Counsel, 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 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, Nabha, is satisfied that the parties have voluntarily, without any pressure or coercion entered into the compromise between themselves and have settled their matter amicably and said compromise appears to be genuine.

Considering the report of learned Judicial Magistrate Ist Class, Nabha and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 0016 dated 28.02.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

November 09, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**