

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

125

**CRM-M-25965-2019
Date of Decision : 29.09.2022**

Shanty @ Ajay Kumar and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Amandeep Singh, Advocate
for the petitioners.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for the respondent No.1-State.

Ms. Nikita, Advocate for
Mr. Kamaldip Singh Sidhu, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.102 dated 12.10.2016 registered under Sections 326-B and 34 of the Indian Penal Code, 1860 at Police Station City Fazilka, District Fazilka (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise (**Annexure P-2**) effected between the private parties.

Pursuant to order dated 01.07.2019 passed by the Coordinate Bench of this Court, the private parties appeared before learned Chief Judicial Magistrate, Fazilka to get their statements recorded. Learned Chief Judicial Magistrate, Fazilka submitted his report along with copies of statements of the parties vide letter dated

30.08.2019 through learned District and Sessions Judge, Fazilka which is taken on record.

Power of attorney along with no objection from the earlier counsel has been filed by learned counsel for respondent No.2 in the Court today which is taken on record.

I have heard learned Counsel for the petitioners, 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.*

According to the report, learned Chief Judicial Magistrate, Fazilka is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

Considering the report dated 30.08.2019 of learned Chief Judicial Magistrate, Fazilka and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.102 dated 12.10.2016 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

29.09.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No