

CRM-M-27997 of 2019

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

CRM-M-27997 of 2019
Date of Decision: 28.09.2022

Narinder Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Kushagra Mahajan, Advocate, for the petitioners.
Mr. Hakam Singh, Assistant Advocate General, Punjab.
Mr. Anil Kumar Garg, Advocate, for respondents No.2 & 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No.55 dated 13.05.2019 registered under Sections 323/324/326/148/149 IPC at Police Station Ramdas, District Amritsar Rural and all consequential proceedings arising therefrom on the basis of compromise dated 29.05.2019 (Annexure P-2) arrived at between the parties.

Pursuant to the orders dated 15.11.2021 and 28.07.2022 passed by co-ordinate Benches of this Court, the parties appeared before the Judicial Magistrate Ist Class, Ajnala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Ajnala, has submitted her reports along with statements of the parties vide letter No.301 dated 23.12.2021 duly forwarded by the District and Sessions Judge, Amritsar, vide Endst. No.12942R dated 25.12.2021 and letter No.292 dated 12.09.2022 duly

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forwarded by the District and Sessions Judge, Amritsar, vide Endst. No.10417R dated 13.09.2022.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondents No.2 and 3 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

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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 reports, learned Judicial Magistrate Ist Class, Ajnala, is satisfied that the compromise effected between the parties is voluntary and genuine.

Considering the reports of learned Judicial Magistrate Ist Class, Ajnala and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.55 dated 13.05.2019 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

September 28, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No