

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-36980-2021 (O&M)

Date of Decision: 12.12.2022

Anil Singh and another

.... Petitioners

Versus

State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. B.S. Mamli, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Deepak Kumar, Advocate for respondents No. 2 and 3.

**ASHOK KUMAR VERMA, J. (ORAL)**

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 166 dated 11.06.2021 (Annexure P-1) registered under Sections 406, 420 and 120-B IPC at Police Station Sector 17 HUDA, Jagadhri, District Yamuna Nagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.08.2021 (Annexure P-2).

Pursuant to the order dated 15.03.2022 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, to get their statements recorded. Learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, has submitted his report along with statements of the parties vide letter No. 364 dated 28.04.2022 duly forwarded by the learned District and Sessions Judge, Yamuna Nagar at Jagadhri vide letter No. 8050 dated 28.04.2022.

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, Yamuna Nagar at Jagadhri, is satisfied that the compromise appears to be authentic, genuine, voluntary and out of free will of the parties without any kind of undue influence of pressure or coercion. It is pertinent to mention here that in the present case three persons, namely; Anil Singh, Dharmender Datta (petitioners herein) and one Gayatri Devi, have been arrayed as accused. Gayatri Devi, is stated to have expired on 19.03.2021.

Considering the report of learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri and the fact that the compromise will bring peace and harmony between the parties, aforesaid cross-case bearing FIR No. 166 dated 11.06.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

**December 12, 2022**

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**(ASHOK KUMAR VERMA)  
JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**