

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-38064-2021

Ramit Kumar

.... Petitioner

Versus

State of Punjab and others

.... Respondents

2. CRM-M-3334-2022

Varinder Kumar and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

Date of Decision: 26.08.2022

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Mukesh Singla, Advocate
for the petitioner (in CRM-M-38064-2021).

Mr. Varlin Garg, Advocate
for the petitioners (in CRM-M-3334-2022) and
for respondents No. 2 and 3 (in CRM-M-38064-2021).

Mr. G.S. Sandhu, DAG, Punjab.

Mr. Pankaj Garg, Advocate
for respondents No. 4 to 7 (in CRM-M-38064-2021).

Ms. Kamlesh, Advocate for
Ms. Bhupinder Kaur, Advocate
for respondents No. 2 to 5 (in CRM-M-3334-2022).

ASHOK KUMAR VERMA, J. (ORAL)

By this common order, two aforesaid petitions are being
disposed of as both have arisen out of the same FIR.

The petitioners have approached this Court by way of filing

of two aforesaid separate petitions under Section 482 Cr.P.C., for quashing FIR No. 121 dated 17.08.2018 (Annexure P-1) (in both cases), registered under Sections 420, 467, 468, 120-B IPC at Police Station Boha, District Mansa and all the consequential proceedings arising therefrom, on the basis of compromise dated 21.08.2021 and 20.08.2021 (Annexures P-2 and P-3, respectively, in CRM-M-38064-2021) and compromise dated 13.01.2022 (Annexure P-3 in CRM-M-3334-2022) effected between the parties.

Pursuant to the orders dated 07.03.2022 passed by a co-ordinate Bench of this Court (in both cases), the parties appeared before the learned Judicial Magistrate Ist Class, Budhlada, to get their statements recorded. Learned Judicial Magistrate Ist Class, Budhlada, has submitted a consolidated report appended with CRM-M-38064-2021 along with statements of the parties vide letter No. 85 dated 20.04.2022 duly forwarded by learned District and Sessions Judge, Mansa, vide letter No. 2573 dated 21.04.2022.

I have heard learned Counsel for the petitioner(s), learned State Counsel and learned Counsel for private respondent(s) (in both cases) 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 ***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, Budhlada, is satisfied that the compromise effected between the parties is genuine, without any kind of undue influence or pressure and out of free will of the parties.

Considering the report of learned Judicial Magistrate Ist Class, Budhlada, dated 20.04.2022 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 121

dated 17.08.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only (in both cases).

Both the petitions stand disposed of, accordingly

August 26, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No