

***CRM-23129-2021 and
CRM-40824-2021in/and
CRM-M-32317-2020***

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-23129-2021 and
CRM-40824-2021in/and
CRM-M-32317-2020

Date of Decision: 30.08.2022

Satpal

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Sandeep Kumar, Advocate for the petitioner.

Mr. Himmat Singh, Deputy Advocate General, Haryana.

Mr. Sandeep Singh, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

CRM Nos. 23129 and 40824-2021

Prayer in both the applications is for placing on record the details/status of FIRs registered against the applicant-petitioner as Annexures P-6 to P-14.

For the reasons recorded in both the applications, the same are allowed as prayed for. The detailed list showing details/status of FIRs registered against the applicant-petitioner as Annexure P-6 along with copies of various orders Annexure P-7 to P-14, passed by co-ordinate Benches of this Court as detailed in list Annexure P-6, are

taken on record, subject to all just exceptions.

CRM-M-32317-2020

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 194 dated 29.05.2020 (Annexure P-1) registered under Sections 406 and 420 IPC and Section 24 of the Emigration Act, 1983 (Sections 370 and 384 IPC were added later on) Police Station Pundri, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise dated 03.10.2020 and affidavit dated 03.10.2020 (Annexure P-2 and P-3, respectively) effected between the parties.

Pursuant to the order dated 13.10.2020 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Kaithal, to get their statements recorded. Learned Judicial Magistrate Ist Class, Kaithal, submitted his report along with statements of the parties vide letter No. 163 dated 31.03.2021 duly forwarded by learned District and Sessions Judge, Kaithal, vide letter No. 585 dated 31.03.2021.

It is pertinent to mention here that co-accused of the petitioner, namely; Kaptan Singh, has also filed similar petition for quashing of FIR (Annexure P-1) and in the said case, report from the Judicial Magistrate Ist Class, Kaithal, in terms of order dated 07.05.2022, passed by this Court, has also been received vide letter No. 1382 dated 22.08.2022, duly forwarded by the learned District and Sessions Judge, Kaithal, vide letter 1382 dated 22.08.2022. It has been mentioned therein

that as many as 14 cases of similar nature have been registered against Satpal-petitioner herein, out of which in seven cases FIRs have been quashed by co-ordinate Benches of this Court vide orders Annexure P-7 to P-12 and P-14, details of which reads as under:-

<i>Sr. No.</i>	<i>FIR details</i>	<i>Case No. and date of decision</i>
1.	FIR No. 92 dated 28.05.2020, under Sections 406, 420 IPC & Section 24 Immigration Act, P.S. Dhand, District Kaithal	CRM-M-27602-2020 decided on 19.01.2021 (Annexure P-7).
2.	FIR No. 94 dated 28.05.2020, under Sections 406, 420 IPC & Section 24 of Immigration Act, PS Dhand, District Kaithal	CRM-M-41459-2020 decided on 22.02.2021 (Annexure P-8).
3.	FIR No. 153 dated 05.06.2020, under Sections 406, 420, 370, 384 IPC & Section 24 of Immigration Act, PS Butana, District Karnal	CRM-M-22617-2020 decided on 11.01.2021 (Annexure P-9).
4.	FIR No. 300 dated 05.08.2020, under Sections 406, 420, 370 IPC & Section 24 of Immigration Act, PS Pundri.	CRM-M-27607-2020 decided on 19.01.2021 (Annexure P-10).
5.	FIR No. 361 dated 05.06.2020, under Sections 406, 420, 370, 384 IPC & Section 24 of Immigration Act, PS Sadar, Karnal.	CRM-M-31208-2020 decided on 19.04.2021 (Annexure P-11).
6.	FIR No. 142 dated 28.05.2020, under Sections 406, 420, 370, 384 IPC & Section 24 of Immigration Act, PS Butana, Karnal	CRM-M-459-2021 decided on 24.03.2021 (Annexure P-12).
7.	FIR No. 191 dated 28.05.2020, under Sections 406, 420 IPC & Section 24 of Immigration Act, PS Pundri, District Kaithal	CRM-M-25374-2021 decided on 25.10.2021 (Annexure P-14).

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 ***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, Kaithal, is satisfied that the compromise effected between the parties is genuine and the same is effected out of their own free will and without any threat, pressure or undue influence and the complainant has no objection, if, the present case FIR No. 194 dated 29.05.2020 (Annexure P-1) is quashed.

Considering the report of learned Judicial Magistrate Ist Class, Kaithal dated 31.03.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 194 dated 29.05.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only, subject to deposit of costs of Rs.50,000/- by the petitioner with the Poor Patients' Welfare Fund, Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

The petitioner shall submit the receipt qua deposit of aforesaid costs in the Registry, within 15 days from the date of receipt of certified copy of this order, failing which this petition shall be deemed to be dismissed.

Disposed of, accordingly

August 30, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No