

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

245

**CRM-M-29887-2019
Date of Decision : 06.09.2022**

Balvir and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Varun Goyal, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, Asstt. A.G., Punjab
for respondent No.1-State.

Mr. Amandeep, 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 short 'the Cr.P.C.') for quashing of FIR No.12 dated 25.02.2016 registered under Sections 323, 324, 325, 326, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Nurmahal, Jalandhar City (**Annexure P-1**) and for setting aside the judgment of conviction and order of sentence dated 24.01.2018 passed by the trial Court and all consequential proceedings arising therefrom on the basis of compromise dated 29.01.2019 (**Annexure P-3**) effected between the private parties.

Pursuant to order dated 05.02.2020 passed by the Coordinate Bench of this Court, the parties appeared before learned Additional District and Sessions Judge, Jalandhar to get their statements recorded. Learned Additional District and Sessions Judge,

Jalandhar submitted his report along with copies of statements of the parties vide letter No.115 dated 26.02.2020 through learned District and Sessions Judge, Jalandhar which is taken on record.

Learned counsel for the petitioners submits that the petitioners have preferred an appeal against the conviction which is still pending before the Lower Appellate Court and during the pendency of the appeal, a compromise was arrived at between the parties in which both the parties have amicably settled their dispute. No other criminal case is pending between the parties and none of the petitioner is a proclaimed offender. He further submits that if the parties have settled the dispute amicably and have decided to live in peace and harmony, the Court, in exercise of powers under Section 482 of the Cr.P.C. can compound the offence. In support of his argument, learned counsel for the petitioners has placed reliance on the judgment passed by Hon'ble Division Bench of this Court in ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR (Criminal) 102.***

This fact is not disputed by learned State counsel and learned counsel for respondent No.2.

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 ***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 Additional District and Sessions Judge, Jalandhar is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

Keeping in view the report dated 26.02.2020 of learned Additional District and Sessions Judge, Jalandhar, the fact that the petitioners are not involved in any other case and also the fact that the

compromise will bring peace and harmony between the parties as well as in view of the law laid down by the Hon'ble Division Bench of this Court in *Sube Singh and another's case (supra)*, the aforesaid FIR No.12 dated 25.02.2016 (**Annexure P-1**) and all subsequent proceedings arising therefrom are quashed, qua the petitioners only.

The present petition is disposed of accordingly.

06.09.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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