

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38587-2021

Date of Decision: 09.11.2022

Surinder Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Hakam Singh, Assistant Advocate General, Punjab.

Proxy counsel for Mr. M.S. Sachdev, Advocate
for respondents No. 2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 228 dated 16.09.2011 (Annexure P-1) registered under Sections 420, 465, 467, 468 and 471 IPC at Police Station Division No. 7, Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise dated 20.08.2021 (Annexure P-2) effected between the parties.

Pursuant to the order dated 20.09.2021, passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Jalandhar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Jalandhar, submitted her report along with statements of the parties vide letter No. 393 dated

01.11.2021 duly forwarded by learned District and Sessions Judge, Jalandhar, vide letter No. 3460 G/JRK dated 17.11.2021.

I have heard learned Counsel for the petitioner, learned State Counsel, learned counsel for respondents No. 2 & 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 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 the learned Judicial Magistrate Ist Class, Jalandhar, is satisfied that the compromise effected between the parties is found to be genuine, voluntary and without any undue influence or coercion.

Considering the report of the learned Judicial Magistrate Ist Class, Jalandhar dated 01.11.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 228 dated 16.09.2011 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

November 09, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No