

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

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**CRM-M-38453-2022
Date of Decision : 03.11.2022**

Suresh Aggarwal and another Petitioners
Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA
Present : None.

ASHOK KUMAR VERMA, J. (ORAL)

Lawyers are abstaining from work today.

The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashing of FIR No. 0417 dated 19.09.2018 registered under Sections 323/34, 452 and 506 IPC at Police Station Ambala Cantt. (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 18.08.2022 (**Annexure P-2**) effected between the private parties.

Pursuant to order dated 29.08.2022 passed by this Court, the private parties appeared before learned Additional Chief Judicial Magistrate, Ambala, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Ambala submitted his report along with statements of the parties vide letter No. 1487 dated 17.09.2022 through learned District and Sessions Judge, Ambala, which is taken on 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 another : 2012(4) RCR Criminal) 543*, *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 Chief Judicial Magistrate, Ambala, is satisfied that compromise effected between the parties is with their free will and consent and without any pressure or coercion on either side. The same is genuine and valid.

Considering the report dated 17.09.2022 of learned Additional Chief Judicial Magistrate, Ambala and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 0417 dated 19.09.2018 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

03.11.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No