

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-39618-2022

Date of Decision: 17.11.2022

Sanjay Mahajan and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vipin Mahajn, Advocate for the petitioners.

Mr. Amish Sharma, Assistant Advocate General, Punjab.

Mr. Ketan Chopra, Advocate for

Mr.Vishal Munjal, Advocate for respondents No. 2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 71 dated 24.04.2018 (Annexure P-1) registered under Sections 323, 294, 452 and 506 read with Section 34 IPC (offence under Section 452 added later on) at Police Station Dinanagar, District Gurdaspur, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise Annexure P-2.

Pursuant to the order dated 02.09.2022, passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Gurdaspur, to get their statements recorded. Learned Judicial Magistrate Ist Class, Gurdaspur, has submitted her report along with statements of the parties vide letter No. 515 dated 14.09.2022 duly forwarded by the

learned District and Sessions Judge, Gurdaspur, vide letter No. 17978/RKT, dated 19.09.2022.

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

Considering the report of learned Judicial Magistrate Ist Class, Gurdaspur and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 71 dated 24.04.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

November 17, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**