

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-40395-2022

Date of Decision: 11.11.2022

Swaran Singh @ Sarwan Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

Mr. Karan Dhawan, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 39 dated 21.06.2022 (Annexure P-1) registered under Sections 323 and 324 read with Section 34 IPC (Sections 325 and 326 IPC added later on vide G.D. No. 30 dated 25.07.2022) at Police Station Mehta, District Amrtisar (Rural) and all the consequential proceedings arising therefrom, on the basis of compromise dated 24.08.2022 (Annexure P-2) effected between the parties.

Pursuant to the orders dated 07.09.2022 and 10.10.2022, passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Baba Bakala Sahib, to get their statements recorded. Learned Judicial Magistrate Ist Class, Baba Bakala Sahib, has submitted his report along with copies of statements of the parties vide letter

No. 402 dated 28.10.2022, duly forwarded by the learned District and Sessions Judge, Amritsar, vide Endst. No. 12488-R dated 31.10.2022.

I have heard learned Counsel for the petitioners, 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 ***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, Baba Bakala Sahib, is satisfied that the compromise has been entered into between the parties voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one.

Considering the report of learned Judicial Magistrate Ist Class, Baba Bakala Sahib and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 39 dated 21.06.2022 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

November 11, 2022
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(ASHOK KUMAR VERMA)
JUDGE

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