

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-38756-2022 in/and
CRM-M-40870-2022

Date of Decision: 30.11.2022

Prem Pal Gandhi and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Davinder Singh, Advocate for the petitioners.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

Mr. Rishabh, Advocate for

Mr. Ranjeet Singh, Advocate, for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-38756-2022

Prayer in the instant application filed under Section 482 Cr.P.C. is for placing on record amended head note and prayer as Annexure P-7 and P-8, respectively.

Heard.

For the reasons recorded in the application, the same is allowed and amended head note and prayer as Annexure P-7 and P-8, respectively, are taken on record.

CRM-M-40870-2022

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 43 dated 07.04.2021 (Annexure P-1) registered under Section 420 IPC (Sections 465, 467, 468 and 471 were

added later on) at Police Station Sadar Rupnagar, District Rupnagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 26.07.2022 (Annexures P-2 and P-3).

Pursuant to the orders dated 08.09.2022 and 07.11.2022, passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Rupnagar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Rupnagar, has submitted her report vide letter No. 144 dated 29.11.2022 duly forwarded by the learned District and Sessions Judge, Rupnagar through e-mail.

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, learned Judicial Magistrate Ist Class, Rupnagar, is satisfied that the compromise is genuine and has been effected between the parties willfully and without any pressure or influence from any quarter.

Considering the report of learned Judicial Magistrate Ist Class, Rupnagar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 43 dated 07.04.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

November 30, 2022
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(ASHOK KUMAR VERMA)
JUDGE

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