

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42891-2020

Date of Decision: 30.08.2022

Gurwinder Singh @ Kala Maan and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. D.S. Bhinder, Advocate for the petitioners.

Mr. Vinay Kumar Gupta,
Assistant Advocate General, Punjab.

Mr. G.S. Lalli, Advocate for respondents No. 2 to 5.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing (i) FIR No. 89 dated 16.11.2020 registered under Sections 323, 324, 148 and 149 IPC; (ii) DDR No. 7 dated 17.11.2020 registered under Sections 323, 324, 336 read with Section 34 IPC and Sections 25/27 of the Arms Act and (iii) DDR No. 30 dated 19.11.2020 registered under Sections 452, 506 and 427 IPC (Annexures P-1 to P-3, respectively) and all the consequential proceedings arising therefrom, on the basis of compromise dated 08.12.2020 (Annexure P-4) effected between the parties.

Pursuant to the order dated 18.12.2020 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Talwandi Sabo, to get their statements recorded. Learned Judicial Magistrate Ist Class, Talwandi Sabo,

submitted his report along with statements of the parties vide letter No. 47 dated 05.02.2021 duly forwarded by learned District and Sessions Judge, Bathinda, vide letter No. 186/EB dated 08.02.2021.

I have heard learned Counsel for the petitioners, learned State Counsel, learned counsel for respondents No. 2 to 5 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 *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, Talwandi Sabo, is satisfied that the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence. It has also been mentioned in the report that no other proceeding is pending against the petitioners or respondents No. 2 to 5 in the present petition except against respondent No. 4-Sandeep Singh S/o Gurtej Singh, who is yet to be arrested in FIR No. 47 dated 10.02.2020, which was modified by DDR No. 14 dated 28.10.2020 under Section 336 IPC and Section 27 of the Arms Act.

Considering the report of learned Judicial Magistrate Ist Class, Talwandi Sabo dated 05.02.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid (i) FIR No. 89 dated 16.11.2020; (ii) DDR No. 7 dated 17.11.2020 and (iii) DDR No. 30 dated 19.11.2020 (Annexures P-1 to P-3, respectively) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

August 30, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No