

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42968-2020

Date of Decision: 30.08.2022

Amarjeet Singh @ Yamla Sarpanch and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Ashish Gupta, Advocate for the petitioners.

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

Mr. Dinesh Kumar, Advocate for
Mr. Rajan Bansal, 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. 46 dated 07.08.2019 (Annexure P-1), registered under Section 324 read with Section 34 IPC (Section 326 IPC was added later on) at Police Station Smalsar, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise dated 07.02.2020 (Annexure P-3) 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 Sub Divisional Judicial Magistrate, Baghapurana, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Baghapurana, submitted his report along with statements of the parties vide letter

No. 444 dated 02.02.2021 duly forwarded by learned District and Sessions Judge, Moga, vide Endst. No. 365/EB dated 15.02.2021.

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 ***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 Sub Divisional Judicial Magistrate, Baghapurana, is satisfied that the compromise effected between the parties is genuine, voluntarily and without any threat or coercion.

Considering the report of learned Sub Divisional Judicial Magistrate, Baghapurana dated 02.02.2021 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 46 dated 07.08.2019 (Annexure P-1) 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 **Yes/No**

Whether Reportable **Yes/No**