

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-47354-2021
Date of Decision : 15.09.2022**

Gursewak Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Chahat Goyal, Advocate for
Mr. Priyanshu Kamra, Advocate
for the petitioners.

Mr. Amish Sharma, Asstt. A.G., Punjab
for the respondent No.1-State.

Mr. Shadab Ahmad, Advocate
for Mr. Pankaj Garg, Advocate
for respondents No.2 to 4.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.104 dated 23.07.2020 registered under Sections 186 and 353 of the Indian Penal Code, 1860 at Police Station Sadar Abohar, District Fazilka (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 03.11.2021 (**Annexure P-2**) effected between the private parties.

Pursuant to order dated 11.11.2021 passed by this Court, the private parties appeared before learned Judicial Magistrate First Class, Abohar to get their statements recorded. Learned Judicial Magistrate First Class, Abohar submitted his report along with copies

of statements of the parties vide letter No.51 dated 28.01.2022 through learned District and Sessions Judge, Fazilka.

I have heard learned Counsel for the petitioners, learned State Counsel and learned counsel for respondents No.2 to 4 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 First Class, Abohar is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

Considering the report dated 28.01.2022 of learned Judicial Magistrate First Class, Abohar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.104 dated 23.07.2020 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

(**ASHOK KUMAR VERMA**)
JUDGE

15.09.2022
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No