

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-49078-2021

Date of Decision: 13.12.2022

Sandeep Pahwa

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Kapil Khanna, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

Mr. Amit Thakur, Advocate for respondents No. 2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 185 dated 11.08.2020 (Annexure P-1) registered under Sections 294, 504 and 506 IPC and Section 67 of the Information Technology Act, 2000 at Police Station Bhargo Camp, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.08.2020 (Annexure P-2).

Pursuant to the order dated 12.10.2022 passed by this Court, the parties appeared before the learned Chief Judicial Magistrate, Jalandhar, to get their statements recorded. Learned Chief Judicial Magistrate, Jalandhar, has submitted his report along with statements of

the parties vide letter No. 319 dated 19.10.2022 duly forwarded by the learned District and Sessions Judge, Jalandhar vide letter No. 3529 G/JRK dated 29.10.2022.

I have heard learned counsel for the parties 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 Chief Judicial Magistrate, Jalandhar, is satisfied that the compromise effected between the parties is genuine, voluntary, without any threat or coercion and out of free will of the parties. It has further been reported that besides the present FIR, the petitioner is involved in 08 other FIRs as detailed in the report.

Considering the report of learned Chief Judicial Magistrate, Jalandhar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 185 dated 11.08.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioner, only.

Disposed of, accordingly.

December 13, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**