

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

(242)

CRM-M-40452-2019

Date of Decision: 03.11.2022

Sarabjit Lal alias Sabhi

--Petitioner

Versus

State of Punjab and another

--Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA.

Present:- None.

ASHOK KUMAR VERMA, J. (ORAL)

Lawyers are abstaining from work today.

The petitioner has filed the present petition under Section 482 of the Cr.P.C. for quashing of FIR No.50 dated 27.04.2006 registered under Sections 452, 341, 323, 325, 148, 149 of the I.P.C. at Police Station Noormahal, District Jalandhar (Annexure P-1) and the order dated 30.11.2009 passed by the learned JMIC, Phillaur, whereby he has been declared as proclaimed offender and all consequential proceedings arising therefrom on the basis of compromise dated 26.01.2019 (Annexures P-4) effected between the private parties.

Pursuant to orders dated 29.08.2022 and 01.09.2022 passed by this Court, the private parties appeared before learned Judicial Magistrate First Class, Phillaur, to get their statements recorded. Learned Judicial Magistrate First Class, Phillaur, submitted his report along with copies of statements of the parties vide letter dated 29.10.2022 through learned District and Sessions Judge, Jalandhar, which is taken on 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 another : 2012(4) RCR Criminal) 543, 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 reports, learned Judicial Magistrate First Class, Phillaur, is satisfied that compromise effected between the parties is voluntary and genuine. Earlier the petitioner was declared as Proclaimed Offender and now he has furnished bail bonds on 08.09.2022. There is no other case/FIR is pending against the petitioner.

Considering the report dated 29.10.2022 of learned Judicial Magistrate First Class, Phillaur, and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.50 dated 27.04.2006 (Annexure P-1) and the order dated 30.11.2009 (Annexure P-2) passed by the learned JMIC, Phillaur and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

03.11.2022
dharamvir

(ASHOK KUMAR VERMA)
JUDGE

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