

CRM-M-49882 of 2019

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

CRM-M-49882 of 2019
Date of Decision: 09.09.2022

Sandip Kumar and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Raman Kumar, Advocate,
for Mr. Rajiv K. Kapila, Advocate, for the petitioners.
Mr. Viney Kumar Gupta, Deputy Advocate General, Punjab.
Mr. Attinderpal Singh, 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.0001 dated 08.01.2019, registered under Section 406 IPC at Police Station Chabbewal, District Hoshiarpur, and all consequential proceedings arising therefrom, on the basis of compromise dated 14.11.2019 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 26.11.2019 passed by a co-ordinate Bench of this Court, the parties appeared before the Judicial Magistrate Ist Class, Hoshiarpur, to get their statements recorded. Learned Judicial Magistrate Ist Class, Hoshiarpur, has submitted her report along with statements of the parties vide letter No.49 dated 01.02.2020 duly forwarded by the District and Sessions Judge,

CRM-M-49882 of 2019

Hoshiarpur, vide Endst. No.3029 dated 01.02.2020.

I have heard learned counsel for the petitioners, learned State counsel and 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)*** :

CRM-M-49882 of 2019

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, Hoshiarpur, is satisfied that the compromise effected between the parties is genuine and voluntary and out of their free will.

Considering the report of learned Judicial Magistrate Ist Class, Hoshiarpur dated 01.02.2020 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.0001 dated 08.01.2019 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

September 09, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No