

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

245

**CRM-M-50896-2019
Date of Decision : 16.09.2022**

Dharampal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Lalit Kumar Advocate
for the petitioner.

Mr. Tanuj Sharma, Asstt. A.G., Haryana
for the respondent No.1-State.

Mr. Amit Khari, Advocate for
Ms. Swati Arora, Advocate
for respondents No.2 and 3.

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.796 dated 01.12.2018 registered under Sections 148, 149, 323, 332, 353, 506 and 186 of the Indian Penal Code, 1860 (Section 333 of the IPC was added later on) at Police Station Meham, District Rohtak **(Annexure P-1)** and all consequential proceedings arising therefrom on the basis of compromise dated 06.11.2019 **(Annexure P-2)** effected between the private parties.

Pursuant to order dated 29.11.2019 passed by the Coordinate Bench of this Court, the private parties appeared before learned Principal Magistrate, Juvenile Justice Board, Rohtak and learned Sub Divisional Judicial Magistrate, Meham to get their

statements recorded. Learned Principal Magistrate, Juvenile Justice Board, Rohtak and learned Sub Divisional Judicial Magistrate, Meham submitted their reports dated 13.01.2020 and 12.12.2019, respectively.

I have heard learned Counsel for the petitioners, learned State Counsel and learned counsel for respondents No.2 and 3 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 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 Principal Magistrate, Juvenile Justice Board, Rohtak and learned Sub Divisional Judicial Magistrate, Meham are 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 reports dated 13.01.2020 and 12.12.2019 of learned Principal Magistrate, Juvenile Justice Board, Rohtak and learned Sub Divisional Judicial Magistrate, Meham and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.796 dated 01.12.2018 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only, however, subject to payment of costs of Rs.10,000/- to be deposited with the High Court Legal Services Authority.

Disposed of, accordingly

(ASHOK KUMAR VERMA)
JUDGE

16.09.2022
Kothiyal

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