

CRM-M-51058 of 2019

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

CRM-M-51058 of 2019
Date of Decision: 21.09.2022

Mohit and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Rishav Jain, Advocate, for the petitioners.
Mr. Hakam Singh, Assistant Advocate General, Punjab.
Mr. Nitesh Singla, 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.116 dated 03.06.2019 registered under Sections 323, 324, 341, 506, 148, 149 IPC and later on added Section 326 IPC at Police Station Focal Point, District Ludhiana, and subsequent proceedings arising therefrom on the basis of compromise dated 23.11.2019 (Annexure P-2)

Pursuant to the order dated 16.01.2020 passed by a co-ordinate Bench of this Court, the parties appeared before the Chief Judicial Magistrate, Ludhiana, to get their statements recorded. Learned Chief Judicial Magistrate, Ludhiana, has submitted his report along with statements of the parties vide letter No.247 dated 29.02.2020 duly forwarded by the District and Sessions Judge, Ludhiana, vide letter No. 195/EC dated 04.03.2020.

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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) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi*

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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, Ludhiana, is satisfied that the compromise effected between the parties is genuine, which is without any pressure or coercion.

Considering the report of learned Chief Judicial Magistrate, Ludhiana dated 29.02.2020 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.116 dated 03.06.2019 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

September 21, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No