

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-52822-2019

Date of Decision: 17.08.2022

Happy and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. V.K. Kaushal, Advocate for the petitioners.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Mr. Raman Kumar, 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. 174 dated 30.08.2018 (Annexure P-1), registered under Sections 379-B, 341, 323, 324 and 149 IPC and Section 66(A) of the IT Act, 2000 [Section 379-B IPC and Section 66(A) of the IT Act, 2000 deleted later on and Sections 382 and 355 IPC and Section 67 of the IT Act, 2000 added later on] at Police Station Sadar Amritsar and all consequential proceedings arising therefrom on the basis of compromise dated 31.08.2019 (Annexure P-2) effected between the parties.

Pursuant to the order dated 11.12.2019 passed by the Coordinate Bench of this Court, the parties appeared before the learned

Additional Chief Judicial Magistrate, Amritsar, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Amritsar, submitted his report along with copies of statements of the parties vide letter No. 121 dated 22.01.2020 duly forwarded by learned District and Sessions Judge, Amritsar, vide Endst. No. 949-R dated 24.01.2020.

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) : 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 Additional Chief Judicial Magistrate, Amritsar, is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any pressure, undue influence or coercion. It has further been reported that no accused has been ever declared as proclaimed offender.

Considering the report of learned Additional Chief Judicial Magistrate, Amritsar dated 22.01.2020 and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 174 dated 30.08.2018 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly

August 17, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**