

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-53747-2019

Date of Decision: 09.11.2022

Ranjit Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Davinder Kumar, Advocate for
Mr. PKS Phoolka, Advocate for the petitioners.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

Mr. R.S. Sekhon, 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. 121 dated 19.11.2010 (Annexure P-1) registered under Sections 452, 324, 323, 379, 427, 148 and 149 IPC at Police Station Nehianwala, District Bathinda as well as the judgment of conviction and order of sentence dated 07.11.2017 (Annexure P-2) of the learned Judicial Magistrate Ist Class, Bathinda vide which the petitioners were convicted under Sections 452, 324, 323, 379, 427, 148 and 149 IPC for a maximum period of one year rigorous imprisonment and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3) effected between the parties.

Pursuant to the order dated 13.09.2022, passed by this Court,

the parties appeared before the learned Additional Sessions Judge, Bathinda, to get their statements recorded. Learned Additional Sessions Judge, Bathinda, submitted his report along with copies of statements of the parties vide letter No. 883 dated 03.11.2022 duly forwarded by learned District and Sessions Judge, Bathinda, vide letter No. 1909 dated 04.11.2022.

I have heard learned Counsel for the petitioners, learned State Counsel, 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 ***Gian Singh vs. State of Punjab and anr., 2012 (4) RAJ 549: 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 Sessions Judge, Bathinda, is satisfied that the compromise effected between the parties is genuine, voluntarily and without any coercion.

In the present case, the petitioners have already been convicted by learned Judicial Magistrate First Class, Bathinda vide judgment of conviction and order of sentence dated 07.11.2017. Appeal against the aforesaid judgment of conviction is also pending before the Appellate Court at Bathinda. Hon'ble Division Bench of this Court in case ***Sube Singh and another Vs. State of Haryana and another : 2013 (4) RCR (Criminal) 102*** held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Keeping in view the report dated 03.11.2022 of learned Additional Sessions Judge, Bathinda, the fact that the petitioners are not involved in any other case and also the fact that the compromise will

bring peace and harmony between the parties as well as in view of the law laid down by the Hon'ble Division Bench of this Court in ***Sube Singh and another's case (supra)***, the aforesaid FIR No. 121 dated 19.11.2010 (Annexure P-1) and all subsequent proceedings arising therefrom are quashed, qua the petitioners only.

The present petition is disposed of accordingly.

November 09, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No