

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-2259-2023
Date of Decision : 11.05.2023

Balwant SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for respondent No.1-State.

Mr. A.S. Brar, Advocate for
Mr. Vikas Sonak, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.209 dated 19.09.2021 registered under Section 336 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 (later on reduced and added offence under Section 25 of the Arms Act) at Police Station City Kotkapura, District Faridkot (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 07.01.2023 (**Annexure P-3**) effected between the private parties.

2. Pursuant to order dated 16.01.2023 passed by this Court, the parties had appeared before learned Judicial Magistrate First Class, Faridkot to get their statements recorded. Learned Judicial Magistrate

First Class, Faridkot submitted his report along with copies of statements of the parties vide letter dated 08.02.2023 through learned District and Sessions Judge, Faridkot which is taken on record.

3. I have heard learned counsel for the parties and gone through the relevant record.

4. 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

CRM-M-2259-2023

3

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.*

5. According to the report, learned Judicial Magistrate First Class, Faridkot is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

6. Considering the report dated 08.02.2023 of learned Judicial Magistrate First Class, Faridkot and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.209 dated 19.09.2021 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

7. Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

11.05.2023

Kothiyal

Whether speaking/reasoned Yes/No

Whether reportable Yes/No