

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-3389-2023

Date of Decision : 25.04.2023

Rajesh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Aditya Vermani, Advocate
for the petitioners.

Mr. Gaurav Bansal, Asstt. A.G., Haryana
for respondent No.1-State.

None for respondents No.2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.289 dated 03.09.2021 registered under Sections 406, 420, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Central, Faridabad (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2022 (**Annexure P-2**) effected between the private parties.

2. Pursuant to order dated 23.01.2023 passed by this Court, the parties had appeared before learned Chief Judicial Magistrate, Faridabad to get their statements recorded. Learned Chief Judicial Magistrate, Faridabad submitted his report along with copies of

statements of the parties vide letter dated 28.02.2023 through learned District and Sessions Judge, Faridabad which is taken on record.

3. Reply by way of an affidavit dated 13.04.2023 of Sh.Devender Kumar, Assistant Commissioner of Police, Economic Offences Wing, Faridabad, on behalf of the respondent-State, has been filed in the Registry which is taken on record.

4. I have heard learned counsel for the petitioners as well as learned State counsel and gone through the relevant record.

5. 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

CRM-M-3389-2023

3

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.*

6. According to the report, learned Chief Judicial Magistrate, Faridabad is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

7. Considering the report dated 28.02.2023 of learned Chief Judicial Magistrate, Faridabad and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.289 dated 03.09.2021 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

8. Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

25.04.2023

Kothiyal

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No