

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7577-2023

Date of Decision : 16.05.2023

Khajan and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. R.S. Chauhan, Asstt. A.G., Haryana
for respondent No.1-State.

Mr. Ashish Pandey, Advocate for
Mr. Rohit Rana, Advocate
for respondent No.2.

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.24 dated 15.01.2012 registered under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Ballabhgarh City, Faridabad (**Annexure P-1**) and all consequential proceedings arising therefrom including the judgment of conviction and sentence dated 12.02.2018/15.02.2018 (**Annexure P-2**) passed by learned Judicial Magistrate First Class, Faridabad on the basis of compromise dated 04.02.2023 (**Annexure P-3**) effected between the private parties.

2. Pursuant to order dated 14.02.2023 passed by this Court, the parties had appeared before learned Judicial Magistrate First Class,

Faridabad to get their statements recorded. Learned Judicial Magistrate First Class, Faridabad submitted her report along with copies of statements of the parties vide letter dated 10.03.2023 through learned District and Sessions Judge, Faridabad which is taken on record.

3. According to the report, learned Judicial Magistrate First Class, 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.

4. I have heard learned counsel for the parties 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 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. In the present case, the petitioners have already been convicted by learned Judicial Magistrate First Class, Faridabad vide judgment of conviction and order of sentence dated 12.02.2018 and 15.02.2018, respectively. 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.

6. Keeping in view the report dated 10.03.2023 of learned Judicial Magistrate First Class, Faridabad, the fact that the petitioners are not involved in any other case and also the fact that the compromise

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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.24 dated 15.01.2012 (**Annexure P-1**) and all subsequent proceedings arising therefrom are quashed, qua the petitioners only.

The present petition is disposed of accordingly.

(ASHOK KUMAR VERMA)
JUDGE

16.05.2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No