

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-8807-2022

Date of Decision : 23.03.2023

Harwinder Singh @ Sonu Bala

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, D.A.G., Punjab
for respondent No.1-State.

Mr. Vipul Sachdeva, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.199 dated 06.09.2021 registered under Sections 336, 323, 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station City Samana, District Patiala (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 30.09.2021 (**Annexures P-2**) effected between the private parties.

Pursuant to order dated 11.10.2022 passed by this Court, the parties had appeared before learned Sub Divisional Judicial Magistrate, Samana to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Samana submitted her report along with

copies of statements of the parties vide letter dated 25.01.2023 through learned District and Sessions Judge, Patiala which is taken on record.

I have heard learned Counsel for the petitioner, 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

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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.*

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

Considering the report dated 25.01.2023 of learned Sub Divisional Judicial Magistrate, Samana and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.199 dated 06.09.2021 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

23.03.2023
Kothiyal

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