

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(251)

CRM-M-12041-2019

Date of Decision: 18.01.2023

Gurmeet Singh alias Ghelu

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA.

Present:- Mr. Shrey Goel, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Yashasvi Kapila, Advocate,
for respondent no.2.

None for respondents no.3 and 4.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Cr.P.C. for quashing of FIR No.879 dated 30.09.2015 registered under Section 389 of the IPC, at Police Station Karnal City, Karnal, (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 02.03.2022 (Annexures P-4) effected between the private parties.

Pursuant to order dated 15.03.2019 passed by the Coordinate Bench of this Court, the private parties appeared before learned Additional District and Sessions Judge, Karnal, to get their statements recorded. Learned learned Additional District and Sessions Judge, Karnal, submitted his report dated 09.04.2019.

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.**

According to the report, learned Additional District and Sessions Judge, Karnal, is satisfied that compromise effected between the parties is genuine, voluntary and with the free will of the parties.

Considering the report dated 09.04.2022 of learned Additional District and Sessions Judge, Karnal, and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.879 dated 30.09.2015 registered under Section 389 of the IPC, at Police Station Karnal City, Karnal, and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

18.01.2023
dharamvir

(ASHOK KUMAR VERMA)
JUDGE

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