

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

123-A

CRM-4974-2023 in/and
CRM-M-10955-2020
Date of Decision : 06.02.2023

Charanjit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Ramandeep Singh Brar, Advocate for
Mr. Amit Dhawan, Advocate for the petitioners.

Mr. Joginder Pal Ratra, Senior D.A.G., Punjab
for respondent No.1-State.

Ms. Navneet Kaur, Advocate for
Mr. Vishesh Dogra, Advocate for respondents No.2 to 6.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-4974-2023

Prayer in the present application filed under Section 482 of the Code of Criminal Procedure, 1973 is for preponing the date of hearing i.e. 17.02.2023 fixed in the main case.

For the reasons mentioned in the application, the same is allowed and the main case is taken up on board today itself.

CRM-M-10955-2020

The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashing FIR No.194 dated 05.12.2019 registered under Sections 447, 511, 323 and 34 of the IPC (in which Sections 324 and 326 of the IPC and Section 3(1) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added later on) at Police Station Sadar Nakodar, District Jalandhar and

all consequential proceedings arising therefrom on the basis of compromise (**Annexures P-3**) effected between the private parties.

Pursuant to order dated 16.03.2020 passed by the Coordinate Bench of this Court, the private parties appeared before learned Sub Divisional Judicial Magistrate, Nakodar to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Nakodar submitted her report along with copies of statements of the parties vide letter dated 17.04.2020 through learned District and Sessions Judge, Jalandhar which is taken on record.

I have heard learned counsel for the parties and gone through the paper-book.

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 Sub Divisional Judicial Magistrate, Nakodar 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 17.04.2020 of learned Sub Divisional Judicial Magistrate, Nakodar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FRI No.194 dated 05.12.2019 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only subject to payment of costs of Rs.25,000/- to be deposited with the High Court Legal Services Committee.

Disposed of, accordingly.

06.02.2023

Kothiwal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No