

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

248

CRM-M-15589-2021

Date of Decision: 13.03.2023

Amandeep Rao @ Aman and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

Mr. Vikasdeep Singh, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 143 dated 13.05.2020 (Annexure P-1) registered under Sections 323, 341, 452, 307, 506, 356, 148, 149, 188 IPC at Police Station Sultanpur Lodhi District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.03.2021 (Annexure P-2).

Pursuant to the order dated 04.05.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has submitted his report along with copies of the statements of the parties vide letter No. 1368 dated 11.07.2022 duly

forwarded by the learned District and Sessions Judge, Kapurthala vide Endst. No. 824 dated 12.07.2022.

I have heard learned counsel for the parties 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 regard, reference may be made to ***Gian Singh vs. State of Punjab and anr., 2012 (4) RAJ 549: 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, Sultanpur Lodhi, is satisfied that the parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

Considering the report of learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 143 dated 13.05.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

13.03.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No