

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

260

CRM-M-16897-2022

Date of Decision: 02.02.2023

Chand Singh @ Har Chand Singh

.... Petitioner

Versus

Sate of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. G.S. Sidhu, Advocate for the petitioner.

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

Mr. Mohit Kumar, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Cr.P.C. for quashing FIR No. 41 dated 26.06.2012 (Annexure P-1) registered under Sections 326, 324 and 323 read with Section 34 IPC at Police Station Kot Fatta, District Bathinda and all consequential proceedings arising therefrom as well as the judgment of conviction and order of sentence dated 03.02.2016 (Annexure P-2), passed by the trial Court, on the basis of compromise dated 15.03.2022 (Annexure P-3) effected between the parties.

Pursuant to order dated 25.04.2022 passed by a co-ordinate Bench this Court, the parties appeared before learned Judicial Magistrate First Class, Talwandi Sabo to get their statements recorded. Learned Judicial Magistrate First Class, Talwandi Sabo submitted his report along with statements of the parties vide letter No. 182 dated 27.05.2022, duly

forwarded by the learned District and Sessions Judge, Bathinda, vide letter No. 905 dated 30.05.2022.

According to the report, learned Judicial Magistrate First Class, Talwandi Sabo, is satisfied that compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.

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.*

In the present case, petitioner-Chand Singh @ Har Chand Singh, along with his co-accused-Baldev Singh (since deceased) had already been convicted by learned Judicial Magistrate First Class, Talwandi Sabo, vide judgment of conviction and order of sentence dated 03.02.2016 (Annexure P-2). 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.

Keeping in view the report dated 27.05.2022 of learned Judicial Magistrate First Class, Talwandi Sabo and the fact that the compromise 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. 41 dated 26.06.2012 (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner only, subject to deposit of Rs.25,000/- towards costs of proceedings with the High Court Legal

Services Committee, within a period two weeks from today, failing which this petition shall be deemed to be dismissed.

The present petition is disposed of accordingly.

02.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

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