

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-16544-2022

Date of Decision: 23.02.2023

Ajit Kumar

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.S. Khurana, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

None for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 0296 dated 10.09.2021 (Annexure P-1) registered under Sections 323, 341, 506 read with Section 34 IPC (Section 325 read with Section 34 IPC was added later on) at Police Station Dharuhera, District Rewari and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3) effected between the parties.

Pursuant to the order dated 22.04.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Rewari, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Rewari, has submitted two reports along with statements of the parties vide letter Nos. 812 dated 18.05.2022 and 955 dated 08.06.2022 duly forwarded by

the learned District and Sessions Judge, Rewari.

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 Additional Chief Judicial Magistrate, Rewari, is satisfied that compromise entered into between the parties appears to be genuine and entered into with their free will and consent and without any fear or pressure of any kind.

Considering the report of learned Additional Chief Judicial Magistrate, Rewari and the fact that the compromise will bring peace and harmony between the parties, aforesaid cross-case bearing FIR No. 0296 dated 10.09.2021 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioner, only.

Disposed of, accordingly.

23.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

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