

Neutral Citation No. **2023:PHHC:040887**
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(259)

CRM-M-30502-2021 (O&M)
Date of Decision: 20.03.2023

Dharam Pal

--Petitioner

Versus

State of Haryana and others

--Respondents

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

Present:- Mr. Prem Chand Chaudhary, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Madan Pal, Advocate for
Mr. Mohinder Singh, Advocate,
for respondents no.2 and 3.

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.299 dated 23.08.2018 registered under Sections 332/353 of the IPC, at Police Station Ladwa, District Kurukshetra (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 20.03.2021 (Annexures P-2) effected between the private parties and affidavits dated 10.05.2021 executed by respondents no.2 and 3 (Annexures P-3 and P-4).

Pursuant to order dated 02.08.2021 passed by a co-ordinate Bench of this Court, the private parties appeared before learned Judicial Magistrate Ist Class, Kurukshetra, to get their statements recorded. Learned Judicial Magistrate Ist Class, Kurukshetra, submitted his report dated 23.11.2021 along with the original statements of the parties, which is taken on record.

Reply by way of affidavit of Sh. Bharat Bhushan, DSP Ladwa, Kurukshetra, dated 26.11.2021, was filed on behalf of respondent no.1-State. A reply dated 11.05.2021 was also filed on behalf of respondents no.2 and 3, Both the replies are ordered to be taken on record.

The private respondents no.2 and 3 admitted the contents of the petition to be true and correct.

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 Judicial Magistrate Ist Class, Kurukshetra, is satisfied that compromise effected between the parties is genuine, voluntary, without any coercion or pressure.

Considering the report dated 23.11.2021 of learned Judicial Magistrate Ist Class, Kurukshetra, and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.299 dated 23.08.2018 and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

20.03.2023
dharamvir

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