

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

(277)

Neutral Citation No. 2023:PHHC:066176

CRM-M-25767-2021

Date of Decision: 08.05.2023

Ashok Kumar and others

--Petitioners

Versus

State of Punjab and others

--Respondents

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

Present:- Ms.Shivani Khareedi, Advocate for
Mr. Dheeraj Jain, Advocate,
for the petitioners.

Mr. J.P.Ratra, Sr. DAG, Punjab.

Mr. Naveen Bawa, Advocate
for respondents no.2 to 4.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashing of cross-FIR No.99 dated 29.06.2015 registered under Sections 323/451/380/427/506/34 of the IPC, at Police Station Model Town, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 09.12.2020 (Annexures P-2) effected between the private parties.

2. Pursuant to order dated 10.08.2021 a co-ordinate Bench of this Court, petitioner no.1 and respondents no.2 to 4 appeared before learned Judicial Magistrate Ist Class, Ludhiana, to get their statements recorded, with him submitting his report dated 01.11.2021. He further informed that petitioners no.2 and 3, John Masih and Lalit Bansal respectively remained absent.

3. On the request of learned counsel for the petitioners, vide order dated 22.09.2022 petitioners no.2 and 3 were again directed to appear before the trial Court to get record their statements. In compliance of that order, as per report dated 27.10.2022 of learned Judicial Magistrate Ist Class, Ludhiana, only petitioner no.3 appeared before that Court and got recorded his statement on 04.10.2022 whereas petitioner no.2-Johan Masih again did not appear before that Court for recording his statement.

4. Both the aforesaid reports dated 01.11.2021 and 27.10.2022, along with the statements of the parties, are taken on record.

5. 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.**

6. According to the reports, both learned Judicial Magistrate Ist Class, Ludhiana, are satisfied that compromise effected between petitioners no.1 and 3 and respondents no.2 to 4 is genuine, voluntary, without any coercion and undue influence.

7. Considering both the aforesaid reports dated 01.11.2021 and 27.10.2022, of different learned Judicial Magistrate Ist Class, Ludhiana, and the fact that the compromise will bring peace and harmony between the parties, aforesaid cross-FIR No.99 dated 29.06.2015 and all subsequent proceedings arising therefrom, are quashed, qua petitioner no.1-Ashok Kumar and petitioner no.3-Lalit Bansal only.

8. As petitioner no.2-John Masih did not turn up for recording his statement, the petition qua him stands dismissed.

9. Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

08.05.2023
dharamvir

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