

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-39530-2022

Date of Decision: 18.01.2023

Vinod Kumar and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

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

Present: - Mr. Akash Yadav, Advocate for  
Mr. J.S. Rana, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Ms. Deepali Verma, 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. 72 dated 20.03.2022 (Annexure P-1) registered under Sections 147, 148, 323, 427 and 506 IPC at Police Station Rajendra Park, Gurugram, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise dated 28.07.2022 (Annexure P-2).

Pursuant to the order dated 12.09.2022, passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Gurugram, to get their statements recorded. Learned Judicial Magistrate Ist Class, Gurugram, has submitted his report along with statements of the parties vide letter No. 898 dated 30.09.2022 duly forwarded by the learned District and Sessions Judge, Gurugram, vide letter No. 3394

dated 01.10.2022.

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 Judicial Magistrate Ist Class, Gurugram, is satisfied that the compromise has been effected between the parties with their free will, voluntarily, without any undue influence and coercion. It is pertinent to mention here that statements of all the accused persons qua compromise have been recorded by the trial Court except the juveniles.

Considering the report of learned Judicial Magistrate Ist Class, Gurugram and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 72 dated 20.03.2022 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

January 18, 2023  
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(ASHOK KUMAR VERMA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |