

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-12622-2023 in/and
CRM-M-39525-2022
Date of Decision : 23.03.2023

Dilbagh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Amit Choudhary, Advocate
for the applicants/petitioners.

Mr. Munish Sharma, Asstt. A.G., Haryana
for respondent No.1-State.

Mr. C.S. Rana, Advocate for
Mr. Gaurav Gupta, Advocate
for respondents No.2 to 4.

ASHOK KUMAR VERMA, J. (ORAL)

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Prayer in the present application filed under Section 482 of the Cr.P.C. is for preponing the date of hearing fixed in the main case.

For the reasons mentioned in the application, the same is allowed and the main case is taken up on board today itself.

CRM-M-39525-2022

The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashing of FIR No.345 dated 29.09.2017 registered under Sections 294, 323, 341, 427, 506 and 34 of the Indian Penal Code, 1860 at Police Station Bhuna, District Fatehabad (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 22.08.2022 (**Annexures P-2**) effected between the private parties.

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Pursuant to order dated 09.11.2022 passed by this Court, the parties had appeared before learned Judicial Magistrate First Class, Fatehabad to get their statements recorded. Learned Judicial Magistrate First Class, Fatehabad submitted her report along with copies of statements of the parties vide letter dated 02.01.2023 through learned District and Sessions Judge, Fatehabad which is taken on record.

Reply by way of an affidavit dated 20.02.2023 of Sh.Jugal Kishore, Deputy Superintendent of Police, Fatehabad has already been filed in the Registry which is taken on record.

I have heard learned Counsel for the petitioners, learned State Counsel and learned counsel for respondents No.2 to 4 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

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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 First Class, Fatehabad is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

Considering the report dated 02.01.2023 of learned Judicial Magistrate First Class, Fatehabad and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.345 dated 29.09.2017 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

23.03.2023
Kothiyal

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