

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

(258)

CRM-M-34227-2019

Date of Decision: 07.02.2023

Jobandeep Singh alias Jobanjeet Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Sarabjit Singh, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Gursimran Singh Bawa, Advocate for
Mr. Gurjinder Singh Thind, Advocate,
for respondents no.2 to 4.

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.65 dated 26.09.2017 registered under Sections 323/506/379/34 of the IPC, at Police Station Mehta, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 08.07.2019 (Annexure P-2) and affidavits dated 09.07.2019 (Annexures P-3 to P-5) effected between the private parties.

Pursuant to order dated 26.08.2019 passed by the Coordinate Bench of this Court, the private parties appeared before learned Sub Division Judicial Magistrate, Baba Bakala Sahib, District Amritsar, to get their statements recorded. Learned Sub Division Judicial Magistrate, Baba Bakala Sahib, District Amritsar, submitted his report dated 23.09.2019 along with photostat copies of the statements of the parties, which are taken on 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 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 reports, learned Sub Division Judicial Magistrate, Baba Bakala Sahib, District Amritsar, is satisfied that compromise effected between the parties is genuine, voluntary, without any pressure, coercion and out of their free will.

Considering the report dated 23.09.2019 of learned Sub Division Judicial Magistrate, Baba Bakala Sahib, District Amritsar, and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.65 dated 26.09.2017 and all subsequent proceedings arising therefrom, are quashed, qua the petitioner only.

Disposed of, accordingly.

07.02.2023
dharamvir

(ASHOK KUMAR VERMA)
JUDGE

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