

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
201

CRM-M-41750-2022

Date of Decision: 08.05.2023

Abhishek Sharma and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. J.S. Dhaliwal, Advocate for the petitioners.

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

Mr. M.K. Dhot, Advocate for
Mr. S.K. Bawa, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 188 dated 21.08.2022 (Annexure P-1) registered under Sections 323, 324, 376, 148 and 149 IPC (Section 326 IPC was added later on vide DDR No. 18 dated 27.08.2022) registered at Police Station City Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. Pursuant to the order dated 09.11.2022 passed by this Court, the parties appeared before the learned Chief Judicial Magistrate, Kapurthala, to get their statements recorded. Learned Chief Judicial Magistrate, Kapurthala, has submitted his report along with copies of statements of the parties vide letter No. 136 dated 19.01.2023 duly

forwarded by the learned District and Sessions Judge, Kapurthala, vide Endst. No. 88 dated 19.01.2023. It is pertinent to mention here that as per aforesaid report of learned Chief Judicial Magistrate, Kapurthala, petitioner No. 5-Nitin, has not appeared before him for recording his statement qua compromise.

3. I have heard learned counsel for the parties and gone through the relevant record.

4. 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.*

5. According to the report, learned Chief Judicial Magistrate, Kapurthala is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

6. Considering the report of learned Chief Judicial Magistrate, Kapurthala and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 188 dated 21.08.2022(Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners No. 1 to 4, only. However, the present petition qua petitioner No. 5-Nitin S/o Wattan Singh, is dismissed as withdrawn as he has not appeared before the learned Chief Judicial Magistrate, Kapurthala, for recording his statement in terms of order dated 09.11.2022, passed by this Court.

7. Disposed of, accordingly.

08.05.2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No