

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-2674-2021

Date of Decision: 07.02.2023

Dharmender and others

.... Petitioners

Versus

Sate of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. R.K. Selwan, Advocate for
Mr. Saurabh Arora, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Mukesh Tomar, Advocate for
Mr. Sardavinder Goyal, Advocate for respondents No. 2 to 4.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 164 dated 19.06.2020 (Annexure P-1) registered under Sections 323, 324, 506 read with Section 34 IPC at Police Station Sector 13/17 Panipat, District Panipat and all the consequential proceedings arising therefrom, on the basis of compromise dated 30.06.2020 (Annexure P-2).

Pursuant to the orders dated 21.01.2021 and 20.08.2021 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Panipat, to get their statements

recorded. Learned Judicial Magistrate Ist Class, Panipat, has submitted two separate reports along with copies of statements of the parties vide letter Nos 165 dated 09.02.2021 and 1786 dated 05.10.2021, duly forwarded by the learned District and Sessions Judge, Panipat, vide letter Nos. 2278 dated 09.02.2021 and 18785/C-12 dated 05.10.2021, respectively.

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 reports, learned Judicial Magistrate Ist Class, Panipat, is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. It has also been reported that separate statements of Lakhan and Sachin [petitioner Nos. 3 and 4, respectively (being minors)] have also been recorded after certifying that both of them understand the importance of their statements and about the mutual settlement arrived at between both the parties. Separate statement of their father Jai Parkash has also been recorded in this regard. It has also been reported that Sachin-petitioner No. 4 is also involved in two more cases bearing FIR No. 238/2019, under Section 323 and 506 IPC, Police Station Sector-13/17, Panipat and FIR No. 172 dated 01.07.2020, under Section 309 IPC at Police Station Sector 13/17 Panipat.

Considering the report of learned Judicial Magistrate Ist Class, Panipat and the fact that the compromise will bring peace and

harmony between the parties, aforesaid FIR No. 164 dated 19.06.2020 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

07.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No