

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-46873-2022

Date of Decision : 23.03.2023

Ujjagar Singh @ Jagir Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Harlove Singh Rajput, Advocate
for the petitioners.

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

Mr. S.S. Gill, Advocate
for respondents No.2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.337 dated 29.08.2014 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Thanesar, District Kurukshetra (**Annexure P-1**); judgment of conviction dated 15.02.2018 passed by learned Judicial Magistrate First Class, Kurukshetra (**Annexure P-2**) and all consequential proceedings arising therefrom on the basis of compromise dated 14.09.2022 (**Annexures P-4**) effected between the private parties.

Pursuant to order dated 07.12.2022 passed by this Court, the parties had appeared before learned Judicial Magistrate First Class, Kurukshetra to get their statements recorded. Learned Judicial Magistrate First Class, Kurukshetra submitted his report along with copies of statements of the parties vide letter dated 10.03.2023 through learned District and Sessions Judge, Kurukshetra which is taken on

record.

I have heard learned Counsel for the petitioners, learned State Counsel and learned counsel for respondents No.2 and 3 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 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.***

Hon'ble Division Bench of this Court in case ***Sube Singh and another Vs. State of Haryana and another : 2013(4) RCR***

(Criminal) 102 has held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

According to the report, learned Judicial Magistrate First Class, Kurukshetra 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 10.03.2023 of learned Judicial Magistrate First Class, Kurukshetra and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.337 dated 29.08.2014 **(Annexure P-1)** and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

23.03.2023
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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