

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-48395-2022

Date of Decision: 12.04.2023

Falwinder Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Gulzar Mohd., Advocate for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Vijay Kumar, Advocate for

Mr. Sunil Agnihotri, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 192 dated 01.10.2008 (Annexure P-1) registered under Sections 452, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Samrala, Police District Khanna **and** orders dated 01.06.2011 and 12.01.2012 (Annexure P-2 and P-2/A, respectively), whereby both the petitioners, namely; Falwinder Singh and Pavittar Singh were declared as proclaimed offenders and all the consequential proceedings arising therefrom, on the basis of compromise dated 18.02.2022 (Annexure P-3).

Pursuant to the order dated 07.12.2022 passed by this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Khanna, to get their statements recorded. Learned Sub Divisional Judicial

Magistrate, Khanna, has submitted her report along with statements of the parties vide letter No. 71 dated 17.02.2023 duly forwarded by the learned District and Sessions Judge, Ludhiana vide letter No. 260/G/EC dated 21.02.2023.

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 report, learned Sub Divisional Judicial Magistrate, Khanna, is satisfied that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Considering the report of learned Sub Divisional Judicial Magistrate, Khanna and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 192 dated 01.10.2008 (Annexure P-1) **and** orders dated 01.06.2011 and 12.01.2012 (Annexure P-2 and P-2/A, respectively) declaring the petitioners as proclaimed offenders and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

12.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

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