

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

(258)

2023:PHHC:071506
CRM-M-49822-2022
Date of Decision: 17.05.2023

Mohammadi and others --Petitioners
Versus

State of Haryana and another --Respondents

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

Present:- Mr. Vinay Kumar Pandey, Advocate,
for the petitioners.

Mr. Munish Sharma, DAG, Haryana.

Mr. Rohit Kaushik, Advocate
for Ms. Kiran Kumari, 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 criminal complaint No.129 of 2010 under Section 3(i)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) and Sections 323, 506 and 34 IPC pending before the Additional Sessions Judge, Mewat and all subsequent proceedings arising therefrom, including summoning order dated 18.05.2015 on the basis of compromise Annexure P-3.

2. Pursuant to orders dated 29.10.2022 and 28.02.2023 passed by this Court, the private parties appeared before learned Additional District and Sessions Judge, Nuh, to get their statements recorded. learned Additional District and Sessions Judge, Nuh, submitted his complete report dated 31.03.2023 along with photostat copies of statements of the parties, which is taken on record.

3. 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.**

4. According to the report, learned Additional District and Sessions Judge, Nuh, is satisfied that compromise effected between the parties is genuine, voluntary, without any coercion and undue influence.
5. Considering the report dated 31.03.2023 of learned Additional District and Sessions Judge, Nuh, and the fact that the compromise will bring peace and harmony between the parties, aforesaid criminal complaint No.129 of 2010 and all subsequent proceedings arising therefrom including summoning order dated 18.05.2015, are quashed, qua the petitioners only.
6. Disposed of, accordingly.

17.05.2023
dharamvir

(ASHOK KUMAR VERMA)
JUDGE

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