

(265)

CRM-M-49466-2022

Date of Decision: 02.02.2023

Ashok Kumar and others

---Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Ms. Navneet Kaur, Advocate for
Mr. Tarun Sharma, Advocate,
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. B.S.Randhawa, Advocate,
for respondent no.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashing of FIR No.77 dated 19.02.2018 registered under Sections 324, 323, 148 and 149 of the IPC, at Police Station Jodhewal, District Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 30.09.2022 (Annexures P-2) effected between the private parties.

Pursuant to order dated 27.10.2022 passed by this Court, the private parties appeared before learned Judicial Magistrate Ist Class, Ludhiana, to get their statements recorded. Learned Judicial Magistrate Ist Class, Ludhiana, submitted her report dated 10.11.2022 along with original statements of the parties, which is taken on 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.**

According to the reports, learned Judicial Magistrate Ist Class, Ludhiana, is satisfied that compromise effected between the parties is genuine, voluntary, without any coercion and any undue influence and with their free will.

Considering the report dated 10.11.2022 of learned Judicial Magistrate Ist Class, Ludhiana, and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.77 dated 19.02.2018 registered under Sections 324, 323, 148 and 149 of the IPC, at Police Station Jodhewal, District Police Commissionerate, Ludhiana and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

02.02.2023
dharamvir

(ASHOK KUMAR VERMA)
JUDGE

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