

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

(266-A

CRM-M-53363-2022

Date of Decision: 23.02.2023

Mohan Singh and others

--Petitioners

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Karan Dhawan, Advocate,
for the petitioners.

Mr. G.S.Sandhu, DAG, Punjab.

Mr. B.S.Jaswal, Advocate
for respondents no.2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Cr.P.C. for quashing of cross-version to the FIR No.81, dated 08.10.2018, being GD No.23 dated 08.10.2018, registered under Sections 323/324/148/149 of the IPC, at Police Station Mehta, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 23.09.2022 (Annexures P-3) effected between the private parties.

Pursuant to order dated 01.12.2022 passed by a co-ordinate bench of this Court, the private parties appeared before learned Judicial Magistrate Ist Class, Baba Bakala Sahib, to get their statements recorded. Learned Judicial Magistrate Ist Class, Baba Bakala Sahib, submitted his report dated 30.01.2023 along with photostat copies of 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 report, learned Judicial Magistrate Ist Class, Baba Bakala Sahib, is satisfied that compromise effected between the parties is genuine, voluntary, out of their free will and without any pressure or coercion.

Considering the report dated 30.01.2023 of learned Judicial Magistrate Ist Class, Baba Bakala Sahib, and the fact that the compromise will bring peace and harmony between the parties, aforesaid GD No.23 dated 08.10.2018 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

23.02.2023
dharamvir

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