

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-52672-2022

Date of Decision : 15.05.2023

Baljinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Kuljit Singh Bal, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, Senior D.A.G., Punjab
for respondent No.1-State.

Mr. Sandeep Berwal, Advocate
for respondent No.2.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.37 dated 11.04.2015 registered under Sections 326, 323, 341 and 34 of the Indian Penal Code, 1860 at Police Station Rajasansi, District Amritsar Rural (**Annexure P-1**) and all consequential proceedings arising therefrom on the basis of compromise dated 13.09.2022 (**Annexure P-3**) effected between the private parties.

2. Pursuant to order dated 15.11.2022 passed by this Court, the parties had appeared before learned Sub Divisional Judicial Magistrate, Ajnala to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Ajnala submitted her report along with

copies of statements of the parties vide letter dated 12.12.2022 through learned District and Sessions Judge, Amritsar which is taken on record.

3. I have heard learned counsel for the parties and gone through the relevant record.

4. 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.

5. According to the report, there are 03 accused in the present case, Baljinder Singh (petitioner No.1), Tejpal Singh (petitioner No.2) and Narinder Singh. Narinder Singh s/o Jarnail Singh had been died. Inadvertently, Sehajpreet Kaur and Harbhinder Singh have been added as petitioners No.3 and 4 in the present petition. Learned Sub Divisional Judicial Magistrate, Ajnala is satisfied that compromise effected between the parties is genuine, outcome of free consent of the parties and is without coercion from any quarter.

6. Considering the report dated 12.12.2022 of learned Sub Divisional Judicial Magistrate, Ajnala and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No.37 dated 11.04.2015 (**Annexure P-1**) and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

7. Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

15.05.2023
Kothiyal

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