

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-54620-2022

Date of Decision: 21.02.2023

Bhanu Partap and others

.... Petitioners

Versus

Sate of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Vishva Bahl, Advocate for the petitioners.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

Mr. Govind Rana, Advocate for respondents No. 2 and 3.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 24 dated 29.01.2012 (Annexure P-1) registered under Sections 452, 427, 506, 148 and 149 IPC at Police Station C-Division, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise dated 19.09.2022 (Annexure P-2).

Pursuant to the order dated 24.11.2022 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Amritsar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Amritsar, has submitted her report along with statements of the parties vide letter No. 13 dated 19.01.2023 duly forwarded by the learned District and Sessions Judge, Amritsar vide Endst. No. 983-K dated 21.01.2023.

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 Judicial Magistrate Ist Class, Amritsar, is satisfied that compromise arrived at between the parties is genuine, voluntarily, with their free consent, without any fear, undue influence and pressure. It has also been mentioned in the report that in the present case there are total 8 accused persons in the present case and out of them four accused namely, Rinku, Munish Kumar, Paras and Prince, have already been declared as proclaimed offenders whereas other accused namely, Bhanu Partap, Rana Partap, Heera Malhotra and Panna Malhotra (petitioners herein), have never been declared as proclaimed offenders/persons.

Considering the report of learned Judicial Magistrate Ist Class, Amritsar and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 24 dated 29.01.2012 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

21.02.2023

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No