

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

(262)

**2023:PHHC:055761
CRM-M-56017-2022
Date of Decision: 20.04.2023**

Davinder Singh and others
Versus

--Petitioners

State of Punjab and another

--Respondents

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

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioners.

Mr. J.P.Ratra, Sr. DAG, Punjab.

Mr. Kishan Garg, Advocate
for respondent no.2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of Complaint Case No.COMI-24748-2013 titled as 'Vinay Kumar Vs. Davinder Singh and others' filed under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and all consequential proceedings arising therefrom on the basis of compromise dated 12/23.08.2022 (Annexures P-7) effected between the private parties as also the summoning order dated 21.10.2021 (Annexure P-2) passed by learned Judicial Magistrate First Class, Amritsar as well as impugned order dated 09.08.2022 whereby the petitions have been declared proclaimed persons.

Pursuant to order dated 16.01.2023 passed by this Court, the private parties appeared before learned Judicial Magistrate Ist Class, Amritsar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Amritsar, submitted his report dated 21.02.2023 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, Amritsar, is satisfied that compromise effected between the parties is genuine, voluntary, without any coercion or undue influence.

Considering the report dated 21.02.2023 of learned Judicial Magistrate Ist Class, Amritsar, and the fact that the compromise will bring peace and harmony between the parties, aforesaid Complaint Case No.COMI-24748-2013 titled as 'Vinay Kumar Vs. Davinder Singh and the summoning order dated 21.10.2021 (Annexure P-2) as also the impugned order dated 09.08.2022 and all subsequent proceedings arising therefrom, are quashed, qua the petitioners only.

Disposed of, accordingly.

(ASHOK KUMAR VERMA)
JUDGE

20.04.2023
dharamvir

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