

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50648-2019

Date of Decision: 01.02.2023

Satish and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. S.K. Tripathi, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Ms. Reena Rani, Advocate for

Mr. Ravindedr Rana, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 46 dated 10.02.2019 (Annexure P-1) registered under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 147, 149, 323 and 506 IPC and all the consequential proceedings arising therefrom, on the basis of compromise effected between the parties.

Pursuant to the order dated 29.11.2019 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Chief Judicial Magistrate, Rewari, to get their statements recorded. Learned Chief Judicial Magistrate, Rewari, has submitted her report along with statements of the parties vide letter No. 665 dated 20.12.2019 duly forwarded by the learned District and Sessions Judge, Rewari vide

letter No. 16792 dated 20.12.2019.

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 Chief Judicial Magistrate, Rewari, is satisfied that the compromise is genuine, voluntary and without any coercion or undue influence.

Considering the report of learned Chief Judicial Magistrate, Rewari and the fact that the compromise will bring peace and harmony between the parties, aforesaid FIR No. 46 dated 10.02.2019 (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed, qua petitioners, only.

Disposed of, accordingly.

01.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No