

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57917-2023
Reserved on: 24.11.2023
Pronounced on: 01.12.2023

Kabal SinghPetitioner

v.

State of Punjab and AnotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: - Ms. Kamalpreet Kaur, Advocate for
Mr. Deepak Arora, Advocate
For the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. G.B.S. Dhillon, Amicus curiae.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
28	14.08.2023	Vigilance Bureau, Range Amritsar, District Amritsar	420, 465, 467, 468, 471 IPC read with Section 7 of Prevention of Corruption Act

Seeking quashing of FIR, based on the compromise, the petitioner has come up before this Court.

2. Given the fact that one of the offence for which the petitioner has entered into out of court compromise under Section 7 of Prevention of Corruption Act, this Court had appointed Mr. G.B.S. Dhillon, Advocate as an amicus for assistance.

3. I have heard counsel for the parties as well as the amicus, who has also handed over compendium on case law pertaining to the issue involved in the present case.

4. Before considering the exercise power powers under Section 482 CrPC to quash the FIR, it is required that this Court would refer to the judicial pronouncements of Supreme Court in which non-compoundable offences were permitted to be

compounded in exercise of such jurisdiction by the Supreme Court.

5. In ***Gian Singh vs. State of Punjab and another*** 2012(10) SCC 303, in para 57, A three judge Bench of the Hon'ble Supreme Court clarifies that offences under Prevention of Corruption Act or offence committed by a public servant while working in that capacity, cannot provide for any basis for quashing cannot be compromised.

6. In ***Narinder Singh and others vs. State of Punjab and another***, 2014(6) SCC 466, in para 31, Hon'ble Supreme Court reiterated that powers under Section 482 CrPC cannot be exercised to compound offences under Prevention of Corruption Act or the offences committed by public servants while working in that capacity merely because the matter was compromised between the victim and the offender.

7. In ***Gold Quest International Private Limited vs. State of Tamil Nadu and others***, 2014 (15) SCC 235, in para 8, Hon'ble Supreme Court reiterated that FIR cannot be quashed in Prevention of Corruption Act.

8. Outcome of the above mentioned judicial pronouncements does not entitle this Court to exercise its powers under Section 482 CrPC to quash the FIR registered under Prevention of Corruption Act after compromising the matter with the complainant.

9. Given above, the present petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.12.2023
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Whether speaking/reasoned: Yes
Whether reportable: YES.