



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

117+219-A

CRM-M-56022-2023 (O&M)

Date of Decision: 19.10.2024

Kishore Kumar Pal and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajiv Joshi, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Harsh Gupta, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-41577-2024

Application is allowed, as prayed for.

The documents filed along with the application are taken on record as Annexure P-8 to P-13, subject to all just exceptions.

CRM-M-56022-2023 (O&M)

Short reply dated 17.10.2024 filed by way of an affidavit of Sh. Sarwan Singh Bal, Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar (Rural), on behalf of respondent No. 1-State is taken



on record.

A copy thereof, has been supplied to learned counsel for the petitioners.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 228 dated 16.07.2020 (Annexure P-1) registered under Sections 354, 458, 509, 427, 323, 148 and 149 IPC and Section 67 of the Information Technology Act, 2000 IPC [offences under Sections 376-D, 365 and 506 IPC and Sections 25 and 27 of the Arms Act, added later] at Police Station Phillaur, Jalandhar and all consequential proceedings arising therefrom, on the basis of compromise dated 01.12.2020 (Annexure P-5) effected between the parties.

Pursuant to the order dated 23.05.2024 passed by this Court, the parties have appeared before the learned Additional Sessions Judge, Jalandhar, to get their statements recorded. Learned Additional Sessions Judge, Jalandhar, has submitted his report along with copies of statements of the parties vide letter dated 06.06.2024 duly forwarded by the learned I/C District and Sessions Judge, Jalandhar.

A perusal of the above said report would show that the petitioners No. 1 to 8, 10 to 12, 14 and respondent No. 2 have appeared before the learned trial Court on 03.06.2024 and suffered statements with respect to the compromise; whereas statement of petitioner No. 15, namely, Gurpreet Kumar @ Gopi, who is stated to be in custody in some other cases was recorded on 06.06.2024, by procuring his presence through production warrants, which have been found to be genuine,



voluntary and without any coercion and undue influence. It has also been reported that petitioner No. 9-Paramjit Kumar @ Ganja S/o Bhag Rama has expired on 12.12.2023. Copy of the death certificate along with his death report from the police has been duly placed before the learned trial Court and the proceedings qua petitioner No. 9 were abated vide order dated 07.02.2024 by the learned trial Court. Further, it is reported that petitioner No. 13-Ashok Kumar Pal S/o Bhagat Ram, has been declared as proclaimed offender by the learned trial Court vide order dated 16.05.2024.

It is also clarified by learned counsel for the parties that respondent No. 2-complainant in the FIR had only mentioned that she had been attacked by the petitioners with rods and *sota*. However, in her statement recorded under Section 164 Cr.P.C., she has stated that there was a revolver in the hand of one of the accused/petitioners herein, as such, a co-ordinate Bench of this Court vide order dated 05.08.2024, has sought clarification as to whether any of the petitioners is holder of licence for arms.

In compliance thereof, learned counsel for the petitioners has placed on record copies of recovery memos Annexures P-8 to P-10, stating therein that only wooden stick/*danda* was recovered from the petitioners during investigation.

On instructions from ASI Jasbir Singh, learned counsel for the State also verifies the fact that only *danda* was recovered from the petitioners during investigation. Learned counsel for the State further



refers to the averments made in para 3 of the reply dated 17.10.2024 and submits that in compliance of order dated 05.08.2024, report from the Deputy Commissioner, Jalandhar has been sought as to whether any of the petitioners is holding a valid arms licence and it was reported that as per record, *'none of the petitioners is holding an arms licence'*.

Thus, learned counsel for the petitioners prays that the impugned FIR (Annexure P-1) may be ordered to be quashed qua petitioners No. 1 to 8, 10 to 12, 14 and 15.

Learned State counsel as well as learned counsel for respondent No. 2 have submit that they have 'no objection' in case the FIR is quashed on the basis of compromise qua petitioners No. 1 to 8, 10 to 12, 14 and 15.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Additional Sessions Judge, Jalandhar, this Court finds that the matter has been amicably settled between the petitioners No. 1 to 8, 10 to 12, 14 and 15 and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***"Kulwinder Singh and others Vs State of Punjab"***, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings



where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 228 dated 16.07.2020 (Annexure P-1)



registered under Sections 354, 458, 509, 427, 323, 148 and 149 IPC and Section 67 of the Information Technology Act, 2000 IPC [offences under Sections 376-D, 365 and 506 IPC and Sections 25 and 27 of the Arms Act, added later] at Police Station Phillaur, Jalandhar and all consequential proceedings arising therefrom, on the basis of compromise dated 01.12.2020 (Annexure P-5) effected between the parties, are ordered to be quashed qua the petitioners No. 1 to 8, 10 to 12, 14 and 15 only.

19.10.2024
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(NIDHI GUPTA)
JUDGE

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