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

CRM-38370-2021 in/and  
CRM-M-6970-2020 (O&M)  
Date of decision : 17.11.2021

Rekha and others

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Vishal Goel, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Parveen Sharma, Advocate for respondent No.2.

(Through Video Conferencing)

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**VIKAS BAHL, J. (ORAL)**

**CRM-38370-2021**

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 22.02.2022 to an early date.

Notice in the application.

On advance notice, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and Mr. Parveen Sharma, Advocate appears on behalf of non-applicant/respondent

No.2 and have submitted that they have no objection in case the present application is allowed and the date of hearing in the main case is preponed from 22.02.2022 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the date of hearing in the main petition is preponed from 22.02.2022 to today and is taken on Board today itself for final disposal.

**Main case**

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.46 dated 26.06.2015 registered under Sections 323, 341, 427, 506, 294, 148, 149 of the Indian Penal Code, 1860 at Police Station Naya Gaon, District SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise dated 05.02.2020 (Annexure P-2) arrived at between the parties, qua the petitioners.

On 17.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Prayer in this petition is for quashing of FIR (Annexure P1) on the basis of compromise.*

*Notice of motion for 24.04.2020.*

*At this stage, Mr. Parveen Sharma, Advocate appears on behalf of respondent No.2.*

*In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 04.03.2020 for recording their statements in the context of compromise and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to*

*genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate Ist Class, Mohali. The relevant portion of the said report is reproduced hereinbelow:-

*“It is reported that statements of the parties have been recorded and the compromise is correct and has been effected voluntarily, without any pressure, coercion or undue influence and the number of accused persons involved in this case as per report under Section 173 Cr.P.C. is 17 and that none of the accused has been declared as proclaimed offender. In these circumstances, it seems that genuine compromise has been effected between the parties.*

*Submitted please.*

*Yours faithfully*

*Sd/- (Ruchi Swapan Sharma)*

*JMIC, Mohali*

*UID No.PB-0321”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that the

petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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 prosecution where the High Court feel that the same was 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 the 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 hereinbelow:-

*“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. XXX---XXX”*

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.46 dated 26.06.2015 registered under Sections 323, 341, 427, 506, 294, 148, 149 of the Indian Penal Code, 1860 at Police Station Naya Gaon, District SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of the compromise dated 05.02.2020 (Annexure P-2) arrived at between the parties, are ordered to be quashed, qua the petitioners.

**17.11.2021**  
*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

**Whether speaking/reasoned:-**                      **Yes/No**

**Whether reportable:-**                                      **Yes/No**