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

CRM-M-10209-2020

Date of decision : 27.08.2021

Sukhmander Lal @ Sukhwinder Pal @ Lattu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. R.K. Girdhar, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Abhishek Bhateja, Advocate for respondent No.2.

(Through Video Conferencing)

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

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.13 dated 15.02.2017 registered under Sections 451/452/323/34 of the Indian Penal Code, 1860 at Police Station Bariwala, District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of the compromise dated 28.02.2020 (Annexure P-2).

When the matter came up before a Co-ordinate Bench of this Court on 06.03.2020, the following order was passed:-

*“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all*

*consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.*

*Notice of motion for 16.7.2020.*

*The parties are directed to appear before the Illaqa Magistrate/trial Court on 9.3.2020 for getting their statements recorded qua the factum of compromise.*

*The Illaqa Magistrate/trial Court is directed to submit its report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties.*

*The Illaqa Magistrate/trial Court shall also furnish the following information:-*

- 1. Whether there is any other accused other than the petitioners, arrayed in this petition?*
- 2. Whether there is any other complainant or affected/ aggrieved party other than the respondents, arrayed in the petition?"*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate Ist Class, Sri Muktsar Sahib to the Registrar General of this Court, as per which it has been stated that both the parties have effected the compromise and the said compromise is genuine, voluntary and without any coercion or undue influence and that no other person, other than the ones who have recorded their statement, is an accused or the complainant in the present case and the statements of the complainant as well as accused persons have also been recorded. Relevant portion of the report is extracted hereas under:-

*“After going through the various statement on record it is clear that both parties have effected*

*compromise. The undersigned is of the view that the compromise is genuine, voluntary and without any coercion or undue influence. No other person is arrayed as an accused or complainant in the present matter. The report along with statements as directed are submitted for your kind perusal please.”*

A perusal of the said report would show that 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.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled, thus, the possibility of conviction is remote and the continuation

of the criminal case would only strain the relationship between the petitioners and the complainant.

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”*

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.13 dated 15.02.2017 registered under Sections 451/452/323/34 of the Indian Penal Code, 1860 at Police Station Bariwala, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom on the basis of the compromise dated 28.02.2020 (Annexure P-2), are ordered to be quashed, qua the petitioners.

**27.08.2021**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

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

**Whether reportable:-                Yes/No**