

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

(236)

CRM-M-30640-2021.  
Date of Decision:-24.11.2021.

Ramesh Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

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Present: Mr. Rahul Verma, Advocate for the petitioners.

Mr. K.S. Aulakh, DAG, Punjab.

Ms. Sarika Gupta, Advocate for respondent No.2/complainant.

(Through Video Conferencing)

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

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.0112 dated 06.07.2020 (Annexure P-1), registered under Sections 323, 324, 506, 148, 149 and 188 of IPC at Police Station Shahpur Kandi, Tehsil & District Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 24.05.2021 (Annexure P-2).

On 14.10.2021, this Court was pleased to pass the following order:-

*“This is an application filed under Section 482 of the Cr.P.C. seeking one more opportunity for recording the statements before the trial Court in the present petition which has been filed for quashing of FIR on the basis of compromise.*

*Learned counsel for the petitioner has submitted that vide order dated 03.08.2021, a co-ordinate Bench of this Court was pleased to issue notice of motion and also direct the parties to*

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*record their statements. The report was to be submitted by the trial Court on or before 14.10.2021. It has been submitted that respondent no.2-complainant was suffering from health issues and had been admitted in the hospital and therefore, he was unable to appear before the trial Court. It has been stated that the parties will appear before the trial Court within a period of one month from today.*

*Notice in the application.*

*Mr.Saurav Khurana, DAG, Punjab, has appeared for respondent no.1. Ms. Sarika Gupta, Advocate, has appeared for respondent no.2-complainant and has reiterated the facts as stated by learned counsel for the petitioner and has also prayed that one more opportunity be granted for recording the statements before the trial Court.*

*Keeping in view the abovesaid facts and circumstances, the present application is allowed and the parties are granted one more opportunity to get their statements recorded before the trial Court and said statements be recorded within a period of one month from today. Trial Court is directed to submit its report on or before 24.11.2021.*

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*List on 24.11.2021.”*

In pursuance of the said order, the report has been submitted by the Chief Judicial Magistrate, Pathankot to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

*“Keeping in view all aspects and statements of complainant and all the accused, this Court is of the considered view that*

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*statements of appearing parties are not the result of any pressure or coercion or undue influence and their compromise is voluntary and without any threat or coercion and as per record, there are five persons namely Ramesh Kumar son of Ashok Kumar, Krishna wife of Sunny Kumar, Sonia @ Annu wife of Ramesh Kumar, Arun Shelly @ Arun Sharma and Mamta wife of Arun Shelly @ Arun Sharma arrayed as accused and non of the party has been declared as Proclaimed Offender.*

*Report along with copies of statements of complainant and accused are submitted, with regards, as directed.*

*Yours faithfully,*

*Sd/-*

*Kamaldeep Singh Dhaliwal,  
Chief Judicial Magistrate,  
Pathankot*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise has been entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case and no other case is pending between the parties.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

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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 families.

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 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 prosecution 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 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*

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*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”*

In view of what has been discussed hereinabove, this petition is allowed and FIR No.0112 dated 06.07.2020 (Annexure P-1), registered under Sections 323, 324, 506, 148, 149 and 188 of IPC at Police Station Shahpur Kandi, Tehsil & District Pathankot and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

**November 24, 2021.**

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Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No