

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31749-2021

Date of decision : 07.10.2021

Abhishek Yadav and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gagandeep Singh Bajwa, Advocate
for the petitioners.

Mr.Karanbir Singh, AAG, Punjab.

Mr.Simranjeet Singh, Advocate
for respondent no.2.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is petition filed under Section 482 Cr.P.C. for quashing of FIR No.24 dated 11.07.2020, registered under Section 498-A of IPC at Police Station Women, Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 07.07.2021 (Annexure P-2).

On 09.08.2021, this Court has passed the following order:-

“This is a petition for quashing of the FIR No.24 dated 11.07.2020 under Section 498-A of IPC registered at PS Women, Amritsar on the basis that a compromise has been entered into between the parties.

Notice of motion.

At this stage, Mr. A.S. Gill, Sr. D.A.G., Punjab appearing through the medium of video conferencing

accepts notice on behalf of respondent-State and Mr. Simranjeet Singh, Advocate, accepts notice on behalf of respondent No.2.

Service is complete.

Let the petitioners and respondent No.2 appear before the learned trial Court/Illaqa Magistrate on 07.09.2021 or any other date convenient to the trial court/Illaqa Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on 07.10.2021.

A copy of this order be sent to learned trial Court/Illaqa Magistrate through email for compliance.”

In pursuance to the said order, the report has been submitted by the Judicial Magistrate Ist Class, Amritsar. As per the report, the matter has been compromised without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will. The relevant part of the report is reproduced hereinbelow:-

“From the statements, it appears that complainant and accused/petitioners have compromised the matter without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will.

Submitted please.

*Encls: Statement of
complainant,
statement of
accused,
photocopy of
statement of IO*

*Sd/-
Sumukhi, PCS
Judicial Magistrate Ist Class,
Amritsar.
UID No.PB0379.”*

Learned counsel for the State has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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 parties. He prayed that FIR and subsequent proceedings may 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 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 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.

In view of what has been discussed hereinabove, this petition is allowed and FIR No.24 dated 11.07.2020, registered under Section 498-A of IPC at Police Station Women, Amritsar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

October 07, 2021

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No