

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.261

CRM-M-419 of 2021

Date of Decision: September 27, 2022

Lovepreet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Priyanshu Kamra, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Ashish Singh, Advocate for
Mr. Pankaj Garg, Advocate
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.46, dated 06.04.2020, under Sections 188, 269, 506, 427 IPC and Section 51 (B) Disaster Management Act, 2005 and Section 3 of Prevention of Damage to Public Property Act, registered at Police Station Sadar Abohar, District Fazilka and all other consequential proceedings arising therefrom on the basis of the compromise dated 25.12.2020 (Annexure P-2).

Notice of motion was issued on 07.01.2021 and thereafter on 03.09.2021 both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 05.01.2022 has been received from the Judicial Magistrate Ist Class, Abohar. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed and the compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are seven accused and one victim, who is complainant. None of the accused has been declared as proclaimed offender and none of them is involved in any other FIR.

I have heard learned counsel for the parties and have also gone through the case file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner(s) and the complainant(s). Since the matter has been settled and the parties have decided to live in peace, this Court is of the view 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 view 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"

The same view has been taken by Co-ordinate Bench of this Court in "***Baldev Raj and others Vs State of Punjab and another***", CRM-M-32023 of 2020. Relevant para is as under:-

"This is a petition under Section 482 Cr.P.C., 1973 for quashing of case FIR No.121 dated 10.05.2020 under Sections 148, 188, 323, 324, 452, 506 and 509 IPC read with Section 149 IPC, registered at Police Station Rama Mandi, District Jalandhar and all subsequent proceedings arising therefrom, on the basis of compromise dated 25.06.2020 (Annexure P/3) arrived at between the parties.

8. Having regard to the contentions of learned counsel for

the parties and the fact that both the parties to the litigation have entered into compromise and on that basis, the present petition under Section 482 Cr.P.C., 1973 has been filed for quashing the present FIR. The compromise has been arrived at with the intervention of the respectables and family members and the parties have decided to keep harmony between them and to live peacefully in future. Hence, it would be in the interest of Justice that parties are allowed to compromise the matter. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

9. *In view of above, the instant petition is accepted. Consequently, the impugned FIR No.121 dated 10.05.2020 under Sections 148, 188, 323, 324, 452, 506 and 509 IPC read with Section 149 IPC, registered at Police Station Rama Mandi, District Jalandhar and all other consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, qua the petitioners only.”*

In view of the above, the petition is allowed and FIR No.46, dated 06.04.2020, under Sections 188, 269, 506, 427 IPC and Section 51 (B) Disaster Management Act, 2005 and Section 3 of Prevention of Damage to Public Property Act, registered at Police Station Sadar Abohar, District Fazilka and all other consequential proceedings arising therefrom on the basis of the compromise dated 25.12.2020 (Annexure P-2), are quashed qua the petitioners.

September 27, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No