

248  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-3130-2021**  
**Date of decision: 29.08.2022**

Sukhwinder Kaur and another .....Petitioners  
Versus  
State of Punjab and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present:- Mr. Rajeev Kumar Sharma, Advocate, for the petitioners.  
Mr. Manipal Atwal, DAG, Punjab.  
Ms. Kanika Toor, Advocate, for respondent No. 2.

**AMAN CHAUDHARY, J. (ORAL)**

Present petition has been filed for quashing of FIR No. 208 dated 15.11.2019 under Sections 457, 380, 379, 427, 511 IPC, registered at Police Station Goindwal Sahib, District Tarn Taran, and all other consequential proceedings arising therefrom on the basis of the compromise dated 15.01.2021 (Annexure P-2).

On 22.02.2021, this Court had passed the following order:-

“By filing this petition, quashing of FIR No.208 dated 15.11.2019 under Sections 457,380,379,427,511 IPC registered at P.S Goindwal Sahib, District Tarn Taran and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab and Ms. Kanika Toor, Advocate accepts notice on behalf of respondent No.1-State and respondent No.2 respectively.

Parties may appear before concerned Illaqa Magistrate/Duty Magistrate on 09.02.2021 or on any other date convenient to the said Court and get their statements recorded

with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 05.04.2021.”

Pursuant to the aforesaid order, report dated 02.03.2021 has been received from the Sub Divisional Judicial Magistrate, Khadur Sahib. The relevant paragraph of the said report is as under:-

“The statement of Investigating Officer ASI Baljinder Singh was also recorded, who mentioned that the present FIR was registered on the statement of complainant Nirmal Kaur w/o Palwinder Singh against accused namely Sukhwinder Kaur and Sarabjit Kaur and neither of the accused was arrested in this case and that there are no proceedings pending against either of the parties.

This Court is, therefore, of the considered opinion that the compromise between the complainant and the accused persons have been arrived at and the same is genuine, voluntarily, without any coercion or undue influence with their free will.

As such, the compliance report alongwith the statements of the present parties is hereby sent to your goodself's office.

Report submitted, please.

Yours faithfully,  
Ms. Vineeta Luthra, PCS  
Sub Divisional Judicial Magistrate,  
Khadur Sahib.

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. It is stated in the report that there are two accused persons and the compromise effected between the parties is genuine and has been arrived at between them with their free will, without any pressure and coercion/undue influence and no other case has been registered against the accused persons except the FIR in question.

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 petitioners and the complainant. 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”

In view of the above, the petition is allowed and FIR No. 208 dated 15.11.2019 under Sections 457, 380, 379, 427, 511 IPC, registered at Police Station Goindwal Sahib, District Tarn Taran, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

29.08.2022

preeti

**(AMAN CHAUDHARY)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No