

CRM-M-4211-2022
Date of Decision: September 19, 2022

...Petitioners

...Respondents

Mr. Anil Kumar, Advocate
for respondent No.2.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.2, dated 03.01.2022, under Sections 436, 427, 506 and 34 IPC, registered at Police Station Chheharta, District Amritsar and all other consequential proceedings arising therefrom on the basis of the compromise deed Annexure P-2.

On 03.02.2022, this Court had passed the following order:-

- “1. Notice of motion.*
- 2. Mr. Bhupender Beniwal, AAG, Punjab, waives service on behalf of respondent No.1.*
- 3. Mr. Anil Kumar, Advocate puts his appearance on behalf of respondent No.2.*
- 4. Before proceeding to qash FIR No.2 dated 3.1.2022, registered at Police Station Chheharta, District Amritsar, it is deemed appropriate to make directions upon the Illaqa*

Magistrate concerned to, after summoning the petitioners, and, respondent No.2, and, after his recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).

- 5. The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charges has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.*
- 6. The afore made report be ensured to be transmitted to this Court within three weeks.*
- 7. For the afore purpose, list on 16.5.2022.”*

Pursuant to the aforesaid order, report dated 30.04.2022 has been received from Judicial Magistrate Ist Class, Amritsar. The relevant paragraph of the said report is as under:-

“I. As per the statement of ASI Baldev Singh No.3195/ASR, report under section 173 Cr.PC (challan) has not been presented in the Court yet.

II. It is further submitted that charge has not been drawn against the accused and prosecution evidence has not been commenced as report under section 173 Cr.PC (challan) has not been presented in the Court yet.”

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 without any pressure or coercion.

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 complainants. 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.2, dated 03.01.2022, under Sections 436, 427, 506 and 34 IPC, registered at Police Station Chheharta, District Amritsar and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 19, 2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

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