

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.256

CRM-M-5300-2021

Date of Decision: September 13, 2022

Naval Kishore and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Rishav Jain, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

None for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.15, dated 13.01.2021, under Sections 380, 457 of the IPC (Section 411 IPC added later on), registered at Police Station City Sunam, District Sangrur, and all other consequential proceedings arising therefrom on the basis of the compromise dated 21.01.2021(Annexure P-2) and affidavit dated 29.01.2021 (Annexure P-3).

On 07.04.2021, this Court had passed the following order:-

“Service is complete.

Mr. Manoj Kumar, respondent No.2/complainant has put in appearance in person and admits to the factum of compromise arrived at between him and the petitioners herein.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate on 29.04.2021 or any other date convenient to the trial Court/Illaq Magistrate, to get

recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 28.06.2021.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

Pursuant to the aforesaid order, report dated 16.06.2021 has been received from the Sub Divisional Judicial Magistrate, Sunam. The relevant portion of the said report is as under:-

“The undersigned has carefully gone through the statement got recorded by the complainant and the accused. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations. Besides this, the parties have been duly identified by their counsels.”

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 no P.O. proceedings are pending against any of the parties.

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”

In view of the above, the petition is allowed and FIR No.15, dated 13.01.2021, under Sections 380, 457 of the IPC (Section 411 IPC added later on), registered at Police Station City Sunam, District Sangrur, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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