

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5470-2022
Date of decision : 20.04.2022

Kulwinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Arshvir Singh Sandhu, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Peeush Gagneja, Advocate
for respondents no.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.242 dated 23.11.2018 registered under Sections 420, 406, 120-B IPC at Police Station City Moga, District Moga and all other consequential proceedings arising therefrom on the basis of compromise 17.11.2021 arrived at between the parties before the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh.

On 10.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) on the ground that the matter has been amicably resolved vide settlement dated 17.11.2021, effected before Mediation and Conciliation Centre of this Court.

It has been submitted that all the affected parties have duly signed on the settlement agreement.

Notice of motion for 20.4.2022.

At this stage, Mr. Kuljeet Singh, Advocate, has put in appearance on behalf of respondent No.2 and accepts notice.

State shall inform this Court on the next date of hearing as to whether all the affected persons are party to the settlement effected before the Mediation and Conciliation Centre.

10.2.2022 **(GURVINDER SINGH GILL)**
JUDGE”

Learned counsel for the petitioners and respondents no.2 to 4 have jointly referred to the settlement agreement Annexure P-2 which has been arrived at before the Mediation and Conciliation Centre of this Court and has submitted that all the concerned parties are signatory to said settlement/ agreement and as per the said settlement/agreement, the matter has been fully and finally settled and the amount of Rs.10 lacs which was to be paid as per said agreement, has been paid to respondents no.2 to 4.

Learned counsel for the parties have stated that all the parties are present in the Court and they are satisfied with the compromise. It is stated by learned counsel for respondents no.2 to 4 that Rs.9 lacs has been paid and the cheque amounting to Rs.1 lac has been given.

Learned counsel for the petitioners assures the Court that the cheque of Rs. 1 lac would be honoured.

Both the parties have stated that the compromise is genuine and bonafide and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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

This Court has heard the learned counsel for the parties and has

perused the file.

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.

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 opinion that the same is 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.242 dated 23.11.2018 registered under Sections 420,

subsequent proceedings emanating therefrom are ordered to be quashed, qua
the petitioners.

(VIKAS BAHL)
JUDGE

April 20, 2022
Davinder Kumar

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