

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

CRM-M-6735-2022(O&M)
Date of decision : 01.11.2022

Jyoti Devi and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J. (ORAL)

CRM-40897-2022

This is an application under Section 482 Cr.P.C. for preponment of date already fixed in the present case i.e., 14.12.2022.

A perusal of the application would show that it has been stated that the matter has been compromised and the report of the Judicial Magistrate Ist Class, Pathankot in pursuance of the order passed by this Court in respect to the compromise, has already been received.

In view of the same, the application is allowed and the main case is preponed from 14.12.2022 to today itself. The same is taken up on board for hearing today.

CRM-M-6735-2022

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.116 dated 31.05.2020 registered under Sections 452, 323, 506, 188,

427, 148, 149 IPC at Police Station Division 2, District Pathankot, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of FIR No.116 dated 31.05.2020 under Sections 452,323,506,188,427,148,149 IPC registered at P.S Division No.2, District Pathankot and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. V.G. Jauhar, Sr. DAG Punjab accepts notice on behalf of respondent No.1-State.

Parties may appear before concerned Illaqa/Duty Magistrate on 24.02.2022 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate 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 09.05.2022.

February 17, 2022

*(Harinder Singh Sidhu)
Judge ”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Pathankot. The relevant portion of the said report is reproduced hereinbelow:-

“It is submitted that:

- i) The parties got recorded their statements voluntarily and out of free will with regard to the compromise.*
- (ii) There are only nine accused/petitioners i.e. Jyoti Devi,*

Pawan Kumar, Nirmala Devi, Narinder Kumar @ Tinku, Sonu @ Rakesh Kumar, Shubham, Ajay Kumar, Kiran Bala and Santosh Rani @ Popy arrayed in the petition before Hon'ble High Court. It is further submitted that only accused Ajay Kumar is on bail and the challan in the present case is yet to be presented.

iii) As per the statement of the accused/petitioners no other proceeding is pending against them.

iv) Original of compromise is produced, seen and returned and copy is also placed on record, to which questions are asked to all parties/ persons present in Court, who are stating that they belong to same caste/community and matter is now amicably resolved between them.

Statements of complainant as well as accused are attached herewith.”

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. 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**”, reported as **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*”, reported as *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 what has been discussed hereinabove, the petition is allowed and FIR No.116 dated 31.05.2020 registered under Sections 452, 323, 506, 188, 427, 148, 149 IPC at Police Station Division 2, District Pathankot, and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

01.11.2022

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No