

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8547-2021

Date of Decision: 15 September, 2022

Narinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Inderjeet Singh Brar, Advocate for
Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Piyush Sharma, Advocate
for respondent Nos.2 and 3.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.95, dated 16.07.2018 under Sections 279, 337, 338 and 427 IPC, registered at Police Station Sri Anandpur Sahib, District Rupnagar and all subsequent proceedings arising there from on the basis of compromise dated 19.01.2021 (Annexure P-2).

On 06.04.2021, this Court had passed the following order:-

*“Case is being taken up for hearing through
Video Conferencing due to Covid-19 pandemic.*

*Learned counsel contends that respondent No.2
could not record his statement in compliance of order
dated 23.02.2021 on account of hospitalization,
therefore, prayer is for issuing fresh directions for*

recording of statements of the parties in terms of order dated 23.02.2021.

Learned counsel for the non-applicant does not oppose the prayer of learned counsel for the petitioner as made in the application.

Accordingly, the application is allowed.

*Parties are directed to put in appearance before the learned Illaqa Magistrate/Duty Magistrate concerned for recording of their statements in terms of compromise **Annexure P-2 dated 19.01.2021** on 27.04.2021 or any other date thereafter convenient to the learned Illaqa Magistrate/Duty Magistrate concerned.*

After recording statements of the parties, report be forwarded by the learned Illaqa Magistrate/Duty Magistrate.”

Pursuant to the aforesaid order, report dated 12.07.2021 has been received from Judicial Magistrate Ist Class, Sri Anandpur Sahib. The relevant paragraph of the said report is as under:-

“So, from the statements of the parties as recorded by the court of learned SDJM/Duty Magistrate, Sri Anandpur Sahib on 01.06.2021 and the report of Ahlmad, the report is submitted in terms of orders dated 23.02.2021 and 06.04.2021 passed by Hon'ble Punjab and Haryana High Court to the effect that the compromise entered into between the parties appears to be genuine one, voluntary and out of free will of the parties and further that the FIR in the present case was lodged against unknown person and later on challan was presented by the police only against accused Narinder Kumar and he is on bail in this case and that challan in the above noted FIR has already been presented on 04.01.2019 and no cross case etc. is pending against the parties

before this court as per record. ”

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 is one accused person 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 petitioner 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.95, dated 16.07.2018 under Sections 279, 337, 338 and 427 IPC, registered at Police Station Sri Anandpur Sahib, District Rupnagar and all other consequential proceedings arising therefrom, is quashed qua the petitioner.

September 15, 2022

Sangeeta

(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No