

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.256

CRM-M-9649-2021

Date of Decision: August 24, 2022

Raja Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gagandeep Singh, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Daljeet Singh Kahlon, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.90, dated 05.05.2020, under Sections 323, 324, 326, 452, 506 and 34 of the Indian Penal Code, registered at Police Station City Gurdaspur, District Gurdaspur, and all other consequential proceedings arising therefrom on the basis of the compromise dated 29.12.2020 (Annexure P-2).

On 02.03.2021, this Court had passed the following order:-

“By filing this petition, quashing of FIR No.90 dated 05.05.2020 under Sections 323,324,326,452,506,34 IPC registered at P.S City Gurdaspur, District Gurdaspur and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Randeep Khaira, AAG, Punjab accepts notice on behalf of respondent No.1-State.

Parties may appear before concerned trial Court/Duty Magistrate on 07.04.2021 or on any other date convenient to the said Court

and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court 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 07.05.2021. ”

Pursuant to the aforesaid order, report dated 09.04.2021 has been received from the Chief Judicial Magistrate, Gurdaspur. The relevant part of the said report is as under:-

“It is submitted that from the statements of the parties, it appears that the compromise is genuine, voluntary and without any coercion or undue influence. All the accused appeared first time on 07.04.2021 on receiving order of Hon'ble High Court based upon compromise. Except the case in hand, no other proceedings are pending before this Court. Accused are on bail.”

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 also stated in the report that no other proceedings are pending between 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 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.0012, dated 04.01.2022, under Sections 148, 149, 323, 325 and 506 of the Indian Penal Code, registered at Police Station Shahabad, District Kurukshetra, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 24, 2022

sarita

(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No