

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

CRM-M-12576-2021

Date of Decision: 15 September, 2022

Mohammad Shamshad and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Nitin Mittoo, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the FIR No.0035, dated 11.03.2021 under Sections 323, 452 and 34 IPC registered at Police Station City-1, Malerkotla, District Sangrur and all subsequent proceedings arising there from on the basis of compromise dated 14.03.2021 (Annexure P-2).

On 18.03.2021, this Court had passed the following order:-

“ The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 16.07.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 01.04.2021 for recording their

statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

Pursuant to the aforesaid order, report dated 07.04.2021 has been received from Sub Divisional Magistrate, Malerkotla. The relevant paragraph of the said report is as under:-

- “1. The compromise is valid, genuine, voluntarily and without any coercion and undue influence in view of statement of complainant and accused.*
- 2. As per I.O., no other FIR is registered against accused persons.*
- 3. There are total two accused namely Mohd. Shamshad and Mohd. Nisar are involved in the present case.*
- 4. The accused have never been declared proclaimed offender in any case.”*

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 are two accused persons 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 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.0035, dated 11.03.2021 under Sections 323, 452 and 34 IPC registered at Police Station City-1, Malerkotla, District Sangrur and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

September 15, 2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

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