

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

CRM M-15380 of 2022
Date of Decision: July 28, 2022

Hardeep Kaur & ors.

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Gaurav Sharma, Advocate
for the petitioners.

Mr. Sukhbeer Singh, Asst. A.G., Punjab.

Mr. B.S.Aulakh, Advocate
for respondents No.2 & 3.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.255 dated 25.09.2019 registered under Sections 452/323/34 of the Indian Penal Code, 1860 at Police Station Lehra, District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of FIR No. 255 dated 25.9.2019 registered under Sections 452, 323, 34 IPC at Police Station Lehra, District Sangrur and other consequential proceedings arising therefrom qua petitioners has been sought on the basis of compromise.

Notice of motion.

Mr. B.S. Sewak, Additional A.G. Punjab accepts notice on behalf of respondent No. 1 State.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 4.5.2022 or any other date convenient to said Court and get their statements recorded with regard to 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 same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all 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 28.7.2022. ”

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate 1st Class, Moonak (Sangrur). The relevant portion of the said report is reproduced hereinbelow:-

“As per their statements, my report as desired is as under :-

- (i) As per the statements of parties, the compromise appears to be genuine, entered into voluntarily and without any coercion and undue influence.*
- (ii)As per the statement of IO, all accused on bail in this case.*
- (iii)As per the statement of IO, no any other proceeding is pending against the above-named accused except this FIR.*

Report is submitted please.

Yours faithfully,

Sd/- (Gurinder Pal Singh)

Judicial Magistrate 1st Class,

Moonak (Sangrur). (UID-PB0483”

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. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case and there are no other cases pending against the petitioners. Learned counsel for the State, as per instructions has stated that these facts are correct.

Learned counsel for respondents No.2 & 3 has again reiterated that the matter has been settled 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.

This Court has heard the learned counsel for the parties and has perused the 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 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.255 dated 25.09.2019 registered under Sections 452/323/34 of the Indian Penal Code, 1860 at Police Station Lehra,

District Sangrur and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

July 28, 2022
amit rana

(VIKAS BAHL)
JUDGE

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