

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.243

CRM-M-19156-2019

Date of Decision: September 06, 2022

Avtar Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Kamalpreet Singh Bawa, AAG, Punjab.

Mr. Lovepreet Singh, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.02, dated 04.01.2019, under Sections 420 and 120-B of the Indian Penal Code, registered at Police Station Moonak, District Sangrur, and all other consequential proceedings arising therefrom on the basis of the compromise (Annexure P-2).

On 29.04.2019, this Court had passed the following order:-

“The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.02 dated 04.01.2019, under Sections 420, 120-B of IPC, registered at Police Station Moonak, District Sangrur and all other consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Lovepreet Singh, Advocate, accepts notice on behalf of respondent No.2.

Adjourned to 23.07.2019.

Let the parties now appear before the Trial Court/Illaq

Magistrate on 22.05.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial Court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not, before the next date of hearing. ”

Pursuant to the aforesaid order, report dated 28.05.2019 has been received from the Sub Divisional Judicial Magistrate, Moonak, District Sangrur. The relevant paragraph of the said report is as under:-

“ --- As per the statements of the parties, the compromise appears to be genuine, entered into voluntarily and without any coercion and under influence. Their statements also show that no other criminal proceedings are pending against either of the parties. ”

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 no other criminal proceedings are pending against either of 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.02, dated 04.01.2019, under Sections 420 and 120-B of the Indian Penal Code, registered at Police Station Moonak, District Sangrur, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 06, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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