

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.254

CRM-M-24376-2022

Date of Decision: September 06, 2022

Mohit Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Rajiv Kumar Trikha, Advocate for the petitioners.

Mr. Kamal Preet Singh Bawa, AAG, Punjab.

Ms. Sumanjit Kaur, Advocate for respondent Nos.2 to 5.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.197, dated 01.11.2017, under Sections 323, 325, 452, 506, 148 and 149 of the IPC, registered at Police Station Model Town, Hoshiarpur, and all other consequential proceedings arising therefrom on the basis of the compromise dated 08.04.2022 (Annexure P-4).

On 31.05.2022, this Court had passed the following order:-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.197 dated 01.11.2017, under Sections 323, 325, 452, 506, 148 and 149 IPC registered at Police Station Model Town, Hoshiarpur and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. B.S. Sewak, Addl. A.G, Punjab and Ms Sumanjit Kaur, Advocate accepts notice on behalf of respondents No.1/State and 2 to 5 respectively.

Parties may appear before concerned Illaqa Magistrate/trial Court on 05.07.2022 or on any other date convenient to the said

Court and get their statements recorded with regard to the compromise. This shall be subject to the petitioners depositing a sum of Rs. 25,000/- (twenty five thousand only) with the Director PGIMER, Chandigarh Poor Patient Welfare Fund. The original compromise shall be produced before the trial 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 its 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 06.09.2022. ”*

Pursuant to the aforesaid order, report dated 08.08.2022 has been received from the Judicial Magistrate 1st Class, Hoshiarpur. The relevant paragraph of the said report is as under:-

“In view of the statement so made by complainant Asha Rani and injured Parminder Singh, Sanjeev Kumar and Navdeep Singh, I am of the considered opinion that parties have entered into compromise voluntarily and without any threat, coercion or pressure and their compromise is genuine one and complainant and injured have made their statement in the Court voluntarily and without any pressure. The complainant has no objection if the FIR is quashed against accused. The original compromise, original receipt of cost, statement of complainant Asha Rani, injured Parminder Singh, Sanjeev Kumar and Navdeep Singh, statement of accused namely Mohit Kumar, Shammi Kumar, Ashok Kumar, Pawan Kumar, Neeraj Kumar and Mehnga Ram, statement of Investigating Officer namely ASI Parveen Singh and copy of Aadhar Card of complainant and accused are enclosed herewith for kind perusal.”

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 criminal case is pending against the petitioners.

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 complainant. 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.197, dated 01.11.2017, under Sections 323, 325, 452, 506, 148 and 149 of the IPC, registered at Police Station Model Town, Hoshiarpur, 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