

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

CRM-M-45229-2017 (O&M)

Date of decision: 21.11.2022

GURDEEP SINGH ALIAS DEEPA AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aman Partap Singh, Advocate
for the petitioners.

Mr. Amit Shukla, AAG Punjab.

Mr. Amit Kumar Saini, Advocate
for respondent No.2.

AMAN CHAUDHARY. J.

Present petition has been filed for quashing/setting aside the cross-case dated 29.01.2012 under Section 341, 324 and 34 IPC in FIR No.21 dated 27.01.2012 under Sections 324, 452 and 34 of the IPC (Section 201 IPC added later on) at Police Station Samral Police District Khanna and all subsequent proceedings arising therefrom on the basis of compromise, Annexure P-3.

Notice of motion was issued on 24.05.2019. Learned counsel for the parties submit that in the present cross-case registered in the above-stated FIR, the parties had entered into compromise vide Annexure P-3, basis of which CRM-M-45202 of 2017, filed by Gurbinder Singh (respondent herein), wherein the statements were got recorded before the Sub Divisional Judicial Magistrate, Samrala, who had submitted his report dated 18.01.2018 had apprised that compromise arrived at between the parties was genuine and without any pressure.

On the basis of the said report, the FIR was quashed by this Court vide order dated 26.03.2018. In the present case quashing of cross-case is sought. Learned counsel submit that the report dated 18.01.2018 submitted by SDJM, Samrala, the statements were recorded inter se the present 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 petitioner(s) and the complainant(s). 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 cross-case dated 29.01.2012 under Section 341, 324 and 34 IPC in FIR No.21 dated 27.01.2012 under Sections 324, 452 and 34 of the IPC (Section 201 IPC added later on) at Police Station Samral Police District Khanna, and all other consequential proceedings arising therefrom on the basis of the compromise Annexure P-3 are quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

November 21, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*