

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202-a

CRM-M-27927-2020

Date of Decision: September 13, 2022

Jarmanjeet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Karan Dhawal, Advocate for
Mr. B.S. Jaswal, Advocate for the petitioner.
Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Ranjodh Singh Sidhu, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0090, dated 27.03.2020, under Sections 420 and 120-B of the IPC, registered at Police Station City Tarn Taran, District Tarn Taran, and all other consequential proceedings arising therefrom on the basis of the compromise effected during the pendency of the present petition.

On 14.10.2020, this Court had passed the following order:-

“Adjourned to 08.12.2020.

In the meantime, parties are directed to get their statements recorded before the Illaqa Magistrate and the Illaqa Magistrate is directed to send his/her report with respect to the genuineness of the compromise, well before the next date of hearing.”

Pursuant to the aforesaid order, report dated 27.10.2020 has been received from the Chief Judicial Magistrate, Tarn Taran. The

relevant paragraph of the said report is as under:-

“The parties i.e. Parminder Singh, Jarmanjeet Singh and Daljit Singh @ Dimple suffered their statements without any pressure before this court as they have compromised their dispute with the intervention of respectable of locality.”

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 three accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused is declared as proclaimed offender and challan in the present case has not been presented so far.

The FIR qua the co-accused of the petitioner, namely, Prince Kumar has already been quashed by this Court by the order of even date passed in CRM-M No.19441-2021.

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 FIR No.0090, dated 27.03.2020, under Sections 420 and 120-B of the IPC,

registered at Police Station City Tarn Taran, District Tarn Taran, and all other consequential proceedings arising therefrom, are quashed qua the petitioners.

September 13, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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