

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No. 236

CRM-M-36096-2022

Date of decision : 10.11.2022

Kulvinder Singh and another

.....Petitioner(s)

VERSUS

State of Haryana and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.SS Dinarpur, Advocate for the petitioners

Mr.Tanuj Sharma, AAG, Haryana

Mr.Shubham Verma, Advocate for respondent No.2

AMAN CHAUDHARY, J.

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.124, dated 18.6.2020, registered under Sections 323, 324, 506, 201/34 of the Indian Penal Code at Police Station Chappar, District Yamuna Nagar and all subsequent proceedings arising therefrom on the basis of the compromise in the shape of affidavit dated 06.08.2022 (Annexure P-2).

Notice of motion was issued on 17.8.2022 and both the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements in the context of genuineness of the compromise. He/She was also directed to submit its report accordingly.

Pursuant to the aforesaid order, report dated 2.9.2022 has been received from the Judicial Magistrate, 1st Class, Yamuna Nagar at Jagadhri.

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. Learned Judicial Magistrate has further recorded in his report that the compromise is genuine, voluntary and out of free will of the parties without any coercion or undue influence. It is also stated in the report that the none of the petitioners is involved in any other case and no one has been declared as proclaimed offender.

I have heard the learned counsel for the parties.

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 Supreme Court of India 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, this Court is of the opinion that no useful purpose would be served in continuing the proceedings and accordingly, the present petition is allowed and FIR No.124, dated 18.6.2020, registered under Sections 323, 324, 506, 201/34 of the Indian Penal Code at Police Station Chappar, District Yamuna Nagar and all other consequential proceedings arising therefrom, are quashed qua the petitioner(s).

10.11.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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