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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1.

CRM-M-42334-2021
DECIDED ON: 9th NOVEMBER, 2022

ASHOK KUMAR AND OTHERS

PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

AND

2.

CRM-M-42346-2021

HANS RAJ AND OTHERS

PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Kulwant Singh, Advocate
for the petitioners (in CRM-M-42334-2021)
for respondent No.2 (in CRM-M-42346-2021).

Mr. Kartik Gupta, Advocate
for the petitioners (in CRM-M-42346-2021)
for respondent No.2 (in CRM-M-42334-2021).

Mr. Hemant Aggarwal, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

By this common order, this Court intend to dispose of both the
afore-said petitions as these are version and cross-version cases.

Prayer in both these petitions is for quashing of FIR No.138 dated 09.07.2020 under Sections 323, 324, 34 IPC and its cross-version case/DDR No.45 dated 09.07.2020 under Sections 323, 379, 34 IPC, both registered at Police Station Mahilpur, District Hoshiarpur as well as all the subsequent proceedings arising therefrom, on the basis of compromise.

During the pendency of the dispute, the parties have compromised the matter and filed the afore-said petitions for quashing of FIR as well as DDR.

Vide order dated 13.10.2021 parties were directed to appear before the Illaqa Magistrate/Trial Court for recording of their statements with regard to the genuineness of the compromise.

The report dated 14.12.2021 has been received from learned Judicial Magistrate Ist Class, Garhshankar stating that the parties have entered into a compromise voluntarily, which is genuine and without any fear, threat coercion from any corner.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be

exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of **'Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303'**. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of **'Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641'**.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

No.138 dated 09.07.2020 under Sections 323, 324, 34 IPC and its cross-version case/DDR No.45 dated 09.07.2020 under Sections 323, 379, 34 IPC, both registered at Police Station Mahilpur, District Hoshiarpur and all subsequent proceedings arising therefrom are quashed qua the petitioners in view of compromise.

A copy of this order be placed on the file of another connected petitions.

**SANDEEP MOUDGIL
JUDGE**

9th NOVEMBER, 2022.
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |