

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

Sr. No. 238

CRM-M-39542-2022

Date of decision : 10.11.2022

Adwin Masih and others

.....Petitioner(s)

VERSUS

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.MR Sharma, Advocate for the petitioners

Mr.Manipal Singh Atwal, DAG, Punjab

Mr.Sandeep Sharma, Advocate for respondent Nos. 2 and 3

AMAN CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.151 dated 31.7.2020, registered Sections 452, 323, 324, 506, 148, 149 IPC at Police Station Kalanaur, District Gurdaspur and all other consequential proceedings arising therefrom, in view of the compromise deed dated 1.8.2022, Annexure P2 reached between the parties.

Notice of motion was issued on 6.9.2022 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 5.11.2022 has been received from the Judicial Magistrate, 1st Class, Gurdaspur. 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 further recorded in his report that the compromise effected between them is genuine, voluntarily and 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 none 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.151 dated 31.7.2020, registered Sections 452, 323, 324, 506, 148, 149 IPC at Police Station Kalanaur, District Gurdaspur 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