

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

Sr. No.127a

CRM-M-39887-2022 (O&M)

Date of decision : 29.10.2022

Bhagat Singh and others

.....Petitioner(s)

VERSUS

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.HPS Ghuman, Advocate for the petitioners

Mr.MS Joshi, Addl.AG, Punjab

Mr.Lakshay Goel, Advocate for respondent Nos. 2 and 3

AMAN CHAUDHARY, J.

CRM-39756-2022

The present application is for preponement of the date of hearing in the main case, which is fixed for 23.11.2022.

Learned counsel for the applicant/ petitioners states that the matter has been settled between the parties and in pursuance of order dated 5.9.2022, statements of the parties have been recorded. In para 3 of the application, it is averred that services of petitioner No.1 Bhagat Singh, working on contractual basis with the Punjab Roadways, are going to be regularized, for which police clearance certificate (PCC) is required, but due to pendency of the present FIR, the same is not being issued. He prays for preponement of the date in the main case.

Notice of the application.

At the asking of the Court, Mr.MS Joshi, Addl.AG, accepts

notice on behalf of respondent No1 and Mr.Lakshay Goel, Advocate

accepts notice on behalf of respondent Nos. 2 and 3. They state that they have no objection, if the prayer is allowed.

Having heard the learned counsel for the parties and in view of the reasons stated in the application, the same is allowed, the date of hearing in the main case is preponed to today and with the consent of learned counsel for the parties, the main case is taken on today's board.

Main case

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.69 dated 30.6.2017, registered Sections 324, 323, 506, 34 IPC (Section 341 IPC added later on) at Police Station Sadar Nabha, District Patiala and all other consequential proceedings arising therefrom, in view of the compromise deed dated 17.8.2022, Annexure P-2, reached between the parties.

Notice of motion was issued on 5.9.2022 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 11.10.2022 has been received from the Judicial Magistrate, 1st Class, Nabha. 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 and the compromise effected between them is voluntary, genuine, without any coercion and undue influence. It is also stated in the report that the petitioners are neither involved in any other

case nor have been declared as proclaimed offender.

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 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, 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.69 dated 30.6.2017, registered Sections 324, 323, 506, 34 IPC (Section 341 IPC added later on) at Police Station Sadar Nabha, District Patiala and all other consequential proceedings arising therefrom, are quashed qua the petitioner(s).

29.10.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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