

250-B

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

CRM-M-41444-2020

Date of decision : 10.10.2022

Hushiyara Singh @ Hushiar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Negi, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Anil Bidhan, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.104 dated 30.08.2020 registered under Sections 452, 341, 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Khanauri, District Sangrur, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise.

On 10.12.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“By filing this petition, quashing of FIR No.0104 dated 30.08.2020 under Sections 452,341,323,506,148,149 IPC at P.S Khanauri, District Sangrur and all other consequent proceedings arising therefrom has been sought

on the basis of compromise.

Notice of motion.

Mr. Sukhbir Singh, AAG, Punjab and Mr. Anil Bidhan, Advocate, Advocate accept notice on behalf of respondent No.1-State and respondent Nos.2 & 3 respectively.

Parties may appear before concerned Illaqa Magistrate/Duty Magistrate on 23.12.2020 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 29.01.2021.

December 10, 2020

Sd/- (Harinder Singh Sidhu)

Judge ”

In pursuance of the abovesaid order, a report has been submitted by the Sub Divisional Judicial Magistrate, Moonak (Sangrur).

The relevant portion of the said report is reproduced hereinbelow:-

“Respected Sir,

In reference to subject above cited and reference to order dated 10.12.2020, passed by the Hon'ble High Court, I have the honour to submit that as per direction of Hon'ble High Court, complainant and accused appeared on 23.12.2020 before Court and got their statements recorded.

Investigating Officer appeared today for recording of his statement. My report as desired is as under:-

- 1. As per the statements of parties, their compromise appears to be genuine and voluntary in nature.*
- 2. Accused/petitioners have appeared before this Court only for recording their statements.*
- 3. As per the statements of parties and investigating officer no other proceedings are pending against them.”*

A perusal of the said report would show that the compromise has been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that the said fact is correct.

Learned counsel for respondent Nos.2 and 3 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and the parties have

decided to live in peace, this Court feels 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**”, reported as **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 opinion that the same is 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**”, reported as **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 what has been discussed hereinabove, the petition is

allowed and FIR No.104 dated 30.08.2020 registered under Sections 452, 341, 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Khanauri, District Sangrur, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

10.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No