

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.254

CRM-M-43175-2020

Date of Decision: August 24, 2022

Sukhwinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gupreet Singh Dhillon, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Inderpal Singh Parmar, Advocate for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.230, dated 21.07.2020, under Sections 323, 341, 506 and 34 of the Indian Penal Code, registered at Police Station Haibowal, Ludhiana, and all other consequential proceedings arising therefrom on the basis of the compromise (Annexure P-2).

On 21.12.2020, this Court had passed the following order:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 25.02.2021.

Mr. Inderpal Singh, Advocate appears on behalf of respondent No.2.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 04.01.2021 and the trial Court/Illaq

Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

Pursuant to the aforesaid order, report dated 18.01.2021 has been received from the Judicial Magistrate Ist Class, Ludhiana. The relevant part of the said report is as under:-

“5. From the statements suffered by the above stated parties, I am satisfied that the complainant Kulwinder Kaur as well as both the accused Sukhwinder Singh and Suman have voluntarily entered into compromise with each other and it appears to be genuine one, without any pressure or coercion in any manner. As such, a valid compromise has been arrived at between the parties. The queries in the order dated 21.12.2020 passed by Hon'ble Punjab and Haryana High Court are answered as under:-

- i) There are only two accused namely Sukhwinder Sing hand Suman involved in this case.*
- ii) No accused is declared as proclaimed offender in this case.”*

A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case and they have no objection in case the FIR in question is quashed. It is stated in the report that there are two accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion. It is also stated in the report that none of the accused has been declared as proclaimed offender.

I have heard learned counsel for the parties and have also gone through the case 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 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 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, the petition is allowed and FIR No.FIR No.230, dated 21.07.2020, under Sections 323, 341, 506 and 34 of the Indian Penal Code, registered at Police Station Haibowal, Ludhiana, and all other consequential proceedings arising therefrom , are quashed qua the petitioners.

August 24, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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