

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

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**CRM-40734-2022 IN/&
CRM-M-37763-2019 (O&M)
Date of decision: 01.11.2022**

BAKSHISH SINGH AND ORS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None.

AMAN CHAUDHARY. J.

Bar is abstaining from work today.

CRM-40734-2022

The instant application has been filed under Section 482 Code of Criminal Procedure for preponing the date of hearing in the main case from 29.11.2022 to an early date of hearing.

In para 4 of the application, it has been averred that the cross-FIR registered by the petitioners against the complainant, pursuant to which the present DDR was registered against the petitioners, has already been quashed by this Court vide judgment dated 02.12.2019 (Annexure P-4).

In view of the above, the application is allowed. Main case i.e. CRM-M-37763-2019 is taken up on board today itself.

CRM-M-37763-2019

Present petition has been filed for quashing of DDR No.26, dated 29.05.2007, under Sections 341, 323, 324, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act (Section 326 IPC added later vide report No.25 dated

31.05.2007) registered at Police Station Sadar Malout, District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of the compromise dated 01.08.2007 (Annexure P-2).

Notice of motion was issued on 30.10.2019 and vide order dated 13.07.2022 both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 01.09.2022 has been received from the Judicial Magistrate First Class, Malout. 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 genuine, without any undue influence and coercion. It is stated in the report that there are six accused. None of the accused has been declared as proclaimed offender and none of them is involved in any other FIR.

I have perused the case file.

The main FIR bearing No.105 dated 29.05.2007 registered under Sections 324, 148 and 149 IPC at Police Station Sadar Malout, District Muktsar Sahib and all other consequential proceedings arising therefrom have already been quashed qua the petitioners therein by this Court vide order dated 02.12.2019 passed in CRM-M-37780-2019, Annexure P-4.

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, the petition is allowed and DDR No.26, dated 29.05.2007, under Sections 341, 323, 324, 148 and 149 of the IPC and Sections 25

and 27 of the Arms Act (Section 326 IPC added later vide report No.25 dated 31.05.2007) registered at Police Station Sadar Malout, District Sri Muktsar Sahib, and all other consequential proceedings arising therefrom on the basis of the compromise dated 01.08.2007 (Annexure P-2), are quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

November 01, 2022

S.Sharma(syr)
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No