

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40527-2019

Date of decision : 21.09.2022

Jarnail Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Naveen Bawa, Advocate
for the petitioners.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.150 dated 05.10.2016 registered under Sections 451, 323, 148, 149 IPC (Sections 406, 498-A IPC added later on) at Police Station Division no.6 Industrial Area, District Ludhiana City and all other consequential proceedings arising therefrom on the basis of compromise.

On 04.10.2019, a coordinate Bench of this Court was pleased to pass the following order:-

“Prayer made herein is for quashing of FIR (Annexure P-1) and proceedings emanating therefrom on the basis of a compromise effected between the parties.

Notice of motion for 3.3.2020.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 14.10.2019 for recording their statements qua compromise.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statement of all

the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:

- 1. Whether there is any other accused other than the petitioners, arrayed in this petition.*
- 2. Whether there is any other complainant or affected/ aggrieved party other than the respondents, arrayed in the petition.*

04.10.2019 **(GURVINDER SINGH GILL)**
JUDGE”

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana. The relevant portion of the said report is reproduced hereinbelow:-

“As regards information required by the Hon'ble High Court

(i) Whether there is any other accused other than the petitioner arrayed in this petition?

As per report of the SHO, Sunny Singh is also an accused in the present case and challan has been presented against him as well as against accused Jamail Singh, Kamlesh Kaur, Kanchan @ Kanta and Pinky.

(ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?

As per the record, there is only one complainant namely Rakhi Rani and thus there does not appear to be any other affected/aggrieved party other than the respondent.

5. The compromise thus appears to be authentic, genuine and valid and voluntary and without any any inducement, threat, coercion or undue pressure.

5. Accordingly, this report, along with attested copies of statements of the parties and copy of report of the SHO is submitted for your kind perusal.”

A perusal of the above said report would show that there is one more accused Sunny Singh and the said Sunny Singh is stated to have filed a petition for quashing of the FIR on the basis of compromise and a coordinate bench of this Court vide order dated 26.05.2022 passed in CRM-

M-34369-2019 was pleased to quash the FIR qua the said accused. It has been mentioned in the report that the petitioners and respondent no.2 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

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**”, 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**”, 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.no.150 dated 05.10.2016 registered under Sections 451, 323, 148, 149 IPC (Sections 406, 498-A IPC added later on) at Police Station Division no.6 Industrial Area, District Ludhiana City and the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

September 21, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No