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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47059-2022
Date of Decision: November 23, 2022

SANDEEP KUMAR SHARMA AND OTHERS

….Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

….Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rahul Garg, Advocate for
Mr. Bharat Puri, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

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AMAN CHAUDHARY, J.(ORAL)

Present petition has been filed for quashing of FIR No.64 dated 25.08.2022, under Sections 324, 452, 506 and 120-B IPC, registered at Police Station Sadar Phagwara, District Kapurthala, Annexure P-1, and all other consequential proceedings arising therefrom on the basis of the compromise dated 30.09.2022 (Annexure P-2).

Notice of motion was issued on 14.10.2022 and 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.

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Pursuant to the aforesaid order, report dated 07.11.2022 has been received from the JMIC, Phagwara. 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 four accused. None of the accused has been declared as proclaimed offender and none of them is involved in any other FIR.

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 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

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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.64 dated 25.08.2022, under Sections 324, 452, 506 and 120-B IPC, registered at Police Station Sadar Phagwara, District Kapurthala, Annexure P-1, and all other consequential proceedings arising therefrom on the basis of the compromise dated 30.09.2022 (Annexure P-2), are quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

23.11.2022
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Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No

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