

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.250

CRM-M-53605-2021

Date of Decision: 05.09.2022

Surinder Kumar @ Goldy & ors.

...Petitioners

Versus

State of Punjab & anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Armann Gagneja, Advocate for the petitioners.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Rahul Arora, Advocate,
for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.0030, dated 29.01.2020, under Sections 341, 323, 506, 295 and 34 of the IPC, registered at Police Station City, District Sri Muktsar Sahib, and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 12.10.2021 (Annexure P-2).

On 21.12.2021, this Court had passed the following order:-

“(Through video conferencing)

1. *Notice of motion.*
2. *Mr. Bhupender Beniwal, AAG, Punjab, waives service on behalf of respondent No. 1.*
3. *Before proceeding to quash FIR No. 0030 dated 29.1.2020, registered at Police Station City, District Sri Muktsar Sahib it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondent No. 2, and, after his recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the*

compromise (supra).

4. *The learned Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have put their respective signatures on the compromise deed.*

5. *The afore made report be ensured to be transmitted to this Court within three weeks.*

6. *For the afore purpose, list on 19.4.2022.”*

Pursuant to the aforesaid order, report dated 24.01.2022 has been received from Chief Judicial Magistrate, Sri Muktsar Sahib. The relevant paragraph of the said report is as under:-

“ as per the statements of the parties, no challan qua aforesaid FIR has been presented so far in this Court or any other Court. Moreover, all the concerned have put their respective signatures on the compromise deed Mark A. The parties have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the same has been genuinely arrived at to eliminate bitterness and acrimony between the parties and is not based upon any fraud or misrepresentation. Hence this report, Photocopies of the statements and compromise deed Mark A are enclosed herewith for kined perusal.

Submitted please.

*Raj Pal Rawal, PCS PB0274
Chief Judicial Magistrate
Sri Muktsar Sahib”*

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. It is stated in the report that there are four 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 is declared as proclaimed offender and no other case has been registered against the accused persons except the FIR in question.

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.0030, dated 29.01.2020, under Sections 341, 323, 506, 295 and 34 of the IPC, registered at Police Station City, District Sri Muktsar Sahib, and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

05.09.2022

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**(AMAN CHAUDHARY)
JUDGE**

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