

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(243)

CRM-M-54516-2021

Date of decision: - 17.02.2022

Balvinder Kaur and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajan Singh Dadwal, Advocate, for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Vaneet Thakur, Advocate  
for Mr. Umesh Kumar Kanwar, Advocate  
for respondent Nos.2 and 3.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.138 dated 02.12.2021 registered under Sections 323, 452, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Rupnagar, District Rupnagar (Annexure P-8) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 05.01.2022, this Court was pleased to pass the following order:-

*“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.138 dated 02.12.2021 registered under Sections 323, 452, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Rupnagar, District Rupnagar (Annexure P-8) and all*

*the subsequent proceedings arising therefrom on the basis of compromise dated 14.12.2021 (Annexure P-9).*

*Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.*

*Notice of motion for 27.01.2022.*

*On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Umesh Kumar Kanwar, Advocate appears on behalf of respondent Nos.2 and 3.*

*The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.*

*The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

In pursuance of the said order, the report has been submitted by the Judicial Magistrate 1<sup>st</sup> Class, Rupnagar, to the Registrar of this Court. The relevant part of the report is reproduced hereinbelow:-

*“6. The accused have been identified in the Court by counsel Sh. Mohinder Pal Singh Advocate and complainant Hazura Singh and eye witness/injured Surjit Kaur have been identified by ASI Kamal Kishore.*

*7. From the statements, recorded above, it appears that compromise is genuine and has been effected between the parties willfully and without any pressure or influence from any quarter.*

*Report is submitted as desired, please.*

*Yours Faithfully,*

*Manpreet Kaur, PCS*

*Judicial Magistrate 1st Class,*

*Rupnagar.*

*UID No.PB0403*

*Encl: Original statements and identity proofs of complainant witness and accused.”*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there voluntarily, without any pressure or coercion or any threat.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent Nos.2 and 3 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned 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 feel 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 what has been discussed hereinabove, this petition is allowed and FIR No.138 dated 02.12.2021 registered under Sections 323, 452, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Rupnagar, District Rupnagar (Annexure P-8) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

**February 17, 2022**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes  
No