

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

Sr. No.245

CRM-M-54329 of 2019

Date of Decision: August 25, 2022

PARMOD KUMAR @ RAJU AND ANOTHER ...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ramesh Sharma, Advocate for the petitioners.

Mr. J.S. Mehndiratta, Additional A.G., Punjab.

None for respondent No.2.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed for quashing of FIR No.130, dated 05.08.2019, under Sections 379-B and 511 IPC, registered at Police Station Mehatpur, Distt. Jalandhar Rural and all other consequential proceedings arising therefrom on the basis of the compromise deed dated 03.12.2019 (Annexure P-2).

On 5.3.2020, this Court had passed the following order:-

“Learned Counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.130 dated 05.08.2019 registered under Sections 379-B and 511 of the Indian Penal Code 1860 at Police Station Mehatpur, District Jalandhar (Rural) and all subsequent proceedings arising therefrom.

At this stage, Mr. B.S. Jaswal, Advocate has appeared on behalf of respondent No.2 and filed his power of attorney which is taken on record. Learned Counsel for respondent No.2 has admitted the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 16.03.2020 or any other date convenient to the Court for recording their statements with regard to

compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report on or before 21.04.2020 containing the following information :-

1. Number of persons arrayed as accused in FIR.
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 case or not.
5. Current stage of the case.

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR. Trial Court/Illaqa Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

Pursuant to the aforesaid order, report dated 23.02.2021 has been received from Additional District and Sessions Judge, Jalandhar.

The relevant paragraph of the said report is as under:-

“ Both the parties stated that now with the intervention of respectables, they have effected a compromise at their own free will and volition. The compromise is in the interest and for the betterment of both the parties and it would help them to live in a peaceful life.”

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 three accused persons and the compromise effected between the parties is genuine and has been arrived at between them without any pressure or coercion.

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.130, dated 05.08.2019, under Sections 379-B and 511 IPC, registered at Police Station Mehatpur, Distt. Jalandhar Rural and all other consequential proceedings arising therefrom, is quashed qua the petitioners.

August 25, 2022
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(AMAN CHAUDHARY)
JUDGE

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