

253 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-309-2020
Date of order: 19.09.2023

Narinder Singh @ Nandi and Ors.Petitioners

Versus

State of Punjab and OrsRespondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashish Nagar, Advocate for the petitioners.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Shubham Mirok, Advocate for respondent Nos.2 & 3.

Nidhi Gupta, J. (Oral)

Prayer in the present petition is for quashing of FIR No.0117 dated 18.08.2019 (Annexure P-1) under Sections 365/427/452/120-B IPC registered at Police Station Mehta, District Amritsar Rural and all consequential proceedings arising therefrom on the basis of compromise and affidavit dated 18.12.2019 (Annexures P-2 & P-3) arrived at between the parties.

Although vide order dated 08.01.2020, this Court had directed the parties to appear before the trial Court/Illaq Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 08.01.2020 but respondent No.3/Sukhwinder Kaur, wife of the complainant/respondent No.2 was not impleaded as a party to the petition. Accordingly, her statement was not record. Thereafter, vide

order dated 30.01.2023, respondent No.3 was impleaded as a party by way of CRM No.4480 of 2023 and was directed to get her statement recorded before the learned trial Court/Duty Magistrate on 10.03.2023. Though, she again could not appear before the trial Court on 10.03.2023 for getting her statement recorded but was granted one more opportunity to get her statement recorded before the learned trial Court by moving an appropriate application before the trial Court vide order dated 01.05.2023.

In terms of order dated 08.01.2020 and 01.05.2023 passed by this Court, parties have appeared before the Court of Sh. Ranjeev Pal Singh Cheema, Sub-Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar and Sh. Karun Kumar, Judicial Magistrate 1st Class, Baba Bakala Sahib, District Amritsar, respectively and as per their reports, both the parties have got recorded their respective statements in Court.

A perusal of the above said reports would show that the petitioners and respondent Nos.2 & 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offender in the present case.

Learned State Counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise and affidavit dated 18.12.2019 (Annexures P-2 & P-3) qua the petitioners.

Learned counsel for respondent Nos.2 & 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 two parties.

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

After perusing the reports submitted by the Sh. Ranjeev Pal Singh Cheema, Sub-Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar and Sh. Karun Kumar, Judicial Magistrate 1st Class, Baba Bakala Sahib, District Amritsar, respectively, this Court finds that the matter has been amicably settled between the petitioners and respondent Nos.2 and 3. 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 proceedings 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 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, the present petition is **allowed** and FIR No.0117 dated 18.08.2019 (Annexure P-1) under Sections 365/427/452/120-B IPC registered at Police Station Mehta, District Amritsar along with all consequential proceedings arising therefrom on the basis of compromise and affidavit dated 18.12.2019 (Annexures P-2 & P-3) are ordered to be quashed qua the petitioners.

19.09.2023

‘Amit’

**(Nidhi Gupta)
Judge**

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