

CRM-M-24853-2023 (O&M)
CRM-M-24888-2023 (O&M)

N.C. No.2023:PHHC:087011

- 1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

286

CRM-M-24853-2023 (O&M)
Date of decision: 11.07.2023

Rinku Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CRM-M-24888-2023 (O&M)

Ramandeep Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners
Ms. Himani Arora, AAG Punjab
None for respondents

AMAN CHAUDHARY. J.

1. Due to inclement weather, no work day is being observed by the Bar Association as reflected in its request dated 10.07.2023.
2. File perused.
3. This common order shall dispose of the above-mentioned two criminal miscellaneous petitions as they are version and cross-version.
4. The present petitions have been filed under Section 482 of Cr.P.C. for quashing of FIR No.122, dated 03.09.2021, registered under Sections 341, 323,

506, 148 and 149 IPC at Police Station Amloh, District Fatehgarh Sahib and DDR/G.D. No.36 dated 03.09.2021 registered under Sections 341, 323, 506, 148 and 149 IPC at Police Station Amloh, District Fatehgarh Sahib in FIR No.122, dated 03.09.2021, registered under Sections 341, 323, 506, 148 and 149 IPC at Police Station Amloh, District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of the compromise dated 12.10.2021.

5. This Court while issuing notice of motion vide order dated 16.05.2023, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

6. Pursuant to the aforesaid order, report dated 01.07.2023 has been received from the Judicial Magistrate First Class, Amloh. A perusal of the said report reveals that statements of the parties have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. None of the petitioners has been declared as proclaimed offender and are not involved in any other FIR.

7. The Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab**, 2007 (3) RCR (Criminal) 1052, 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.

8. Hon'ble The Supreme Court of India in the case of **Gian Singh vs. State of Punjab and another**, 2012 (4) RCR (Criminal) 543, had 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 reads thus:-

“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”

9. In view of the afore-referred judgments and perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainants, this Court finds that quashing of FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

10. Resultantly, the present petitions are allowed and FIR No.122, dated 03.09.2021, registered under Sections 341, 323, 506, 148 and 149 IPC at Police Station Amloh, District Fatehgarh Sahib and DDR/G.D. No.36 dated 03.09.2021 registered under Sections 341, 323, 506, 148 and 149 IPC at Police Station Amloh, District Fatehgarh Sahib in FIR No.122, dated 03.09.2021, registered

under Sections 341, 323, 506, 148 and 149 IPC at Police Station Amloh, District Fatehgarh Sahib, and all other consequential proceedings arising therefrom are quashed qua the petitioners in both the petitions on the basis of the compromise.

11. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

11.07.2023
S.Sharma(syr)

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