

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

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CRM-M-3377-2023

Date of decision: 04.09.2023

BALKAR SINGH**...Petitioner****VERSUS****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Raman Kumar, Advocate
for respondent No.2.

NIDHI GUPTA, J.(ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.142 dated 11.05.2021 under Sections 376 and 506 of IPC and Section 4 of POCSO Act, registered at Police Station Jhandiala, District Amritsar (Annexure P-1) and for setting aside the order dated 19.10.2022 vide which the petitioner was declared proclaimed offender by the learned Judicial Magistrate First Class, Amritsar (Annexure P-3) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 27.12.2022 (Annexure P-4).

Pursuant to the order dated 23.01.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate First Class, Amritsar to get their statements recorded. Learned Judicial Magistrate First Class, Amritsar, has submitted his report along

with copies of the statements of the parties vide letter dated 02.03.2023 duly forwarded by the learned District and Sessions Judge, Amritsar.

A perusal of the above said report would show that the petitioner and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, without any fear or pressure.

Learned counsel for the parties are *ad idem* that the accused/petitioner herein has married respondent No.2/complainant on 01.05.2021 and thereafter, they have even blessed with a child on 06.07.2022.

In view of above, order dated 19.10.2022 (Annexure P-3) whereby the petitioner was declared proclaimed person by the learned Judicial Magistrate First Class, Amritsar is set aside.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent No.2 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 the learned counsel for the parties and has perused the file.

After perusing the report submitted by the concerned Magistrate, 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 offences 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 accordance 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, this petition is allowed and order dated 19.10.2022 vide which the petitioner was declared proclaimed offender by the learned Judicial Magistrate First Class, Amritsar

(Annexure P-3) is set aside, and FIR No.142 dated 11.05.2021 under Sections 376 and 506 of IPC and Section 4 of POCSO Act, registered at Police Station Jhandiala, District Amrtisar (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

September 04, 2023

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(NIDHI GUPTA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No