IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

271 (II)

CRM-M-3716-2023 (O&M)
Date of decision: 25.04.2023

JORAWAR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. H.S. Dhindsa, Advocate
for the petitioners.

Mr. H.S. Sullar, Sr. DAG Punjab.

Mr. P.S. Dhindsa, Advocate
for respondent No.4.

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AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0132, dated 17.12.2022, under Sections 323, 341, 326 and 506 IPC, registered at Police Station Payal, District Khanna, Annexure P-1 and all other consequential proceedings arising therefrom on the basis of the No Objection Affidavit of the complainant/respondent No.4 dated 10.01.2023 Annexure P-2.

Notice of motion was issued on 23.01.2023 and both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 12.04.2023 has been received from the learned Sub Divisional Judicial Magistrate, Payal. A perusal of the said report reveals that statements of the concerned persons have been

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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 and the compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there is one accused. He has not been declared as proclaimed offender but he is involved in another FIR.

I have heard learned counsel for the parties and have also gone through the case file.

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.

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.
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> Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such

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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 judgments referred to above, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant(s), this Court finds that quashing the 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.

Resultantly, the present petition is allowed and FIR No.0132, dated 17.12.2022, under Sections 323, 341, 326 and 506 IPC, registered at Police Station Payal, District Khanna, Annexure P-1, and all other consequential proceedings arising therefrom on the basis of the No Objection Affidavit of the complainant/respondent No.4 dated 10.01.2023 Annexure P-2, are quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

April 25, 2023
M.Kamra

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

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