

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

CRM-M-4882-2023
Decided on : 11.05.2023

Johan Masih @ John @ Parveen

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. Manoj R. Sharma, Advocate
for the petitioners.

Mr. Ishma Randhawa, Addl. AG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No. 2.

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 224, dated 07.07.2015 registered under Section 13 of the Punjab Prevention of Human Smuggling Act at Police Station Civil Line, District Amritsar City, Annexure P-1 and all other consequential proceedings arising therefrom on the basis of compromise dated 13.12.2022, Annexure P-2.

2. This Court while issuing notice of motion vide order dated 31.01.2023, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

3. Pursuant to the aforesaid order, report dated 05.04.2023 has been received from the Judicial Magistrate 1st Class, Amritsar. A perusal of the said report reveals that statements of the concerned persons have been recorded, who have stated that the matter has been settled between the parties and they have no objection if the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is also stated in the

report that there are 6 accused persons in the FIR but the present petition has been filed by one accused i.e. the present petitioner. He is not involved in any other case.

4. Heard learned counsel for the parties and have also gone through the case file.

5. 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.

6. Hon'ble The Supreme Court 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”

7. In view of the above-referred judgments, perusal of the report of trial Court regarding amicable settlement between the petitioner and the complainant,

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.

8. Resultantly, the present petition is allowed and FIR No. 224, dated 07.07.2015 registered under Section 13 of the Punjab Prevention of Human Smuggling Act at Police Station Civil Line, District Amritsar City, Annexure P-1 and all other consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 13.12.2022.

(AMAN CHAUDHARY)
JUDGE

11.05.2023
Mehak

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