2023:PHHC:059257

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

CRM-M-7600-2023
Date of decision: 26.04.2023

Kulwant Singh .....Petitioner

versus

State of Punjab and others .....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

None for respondents No.2 & 3.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0169, dated 12.11.2022 under Sections 420/406 of the Indian Penal Code, 1860 registered at Police Station Shri Hargobindpur, Police District Batala District Gurdaspur, Punjab (Annexure P-1), with all the consequential proceedings arising therefrom, on the basis of compromise dated 04.01.2023 (Annexure P-2).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of FIR.

Vide order dated 13.02.2023, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 02.03.2023 has been received from Judicial Magistrate 1st Class, Batala, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

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There is no representation on behalf of respondents No.2 & 3 which shows that they have no objection if the present FIR is quashed.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

> "*The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.*
>
> *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever- lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery."*

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '***Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303'***. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another" (2017) 9 SCC 641'.***

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the

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proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

In view of above, FIR (Annexure P-1), with all the consequential proceedings arising therefrom, is quashed *qua* the petitioner, on the basis of compromise dated 04.01.2023 (Annexure P-2).

The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

26.04.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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