

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

287

CRM-M-12503-2023 (O&M)

Date of decision: 28.03.2023

RAJIV SINGH

....Petitioners

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rahul Deswal, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG Haryana.

Mr. Omkar Chauhan, Advocate for respondent No.2.

AMAN CHAUDHARY. J.

Present petition has been filed for quashing of FIR No.468, dated 04.06.2019, under Sections 406 and 420 of the IPC, registered at Police Station Karnal, Civil Lines, District Karnal and all other consequential proceedings arising therefrom on the basis of the settlement arrived at before the Mediation and Conciliation Centre of this Court dated 12.12.2022 (Annexure P-4).

Learned counsel for the petitioner has produced the copy of the affidavit of the father of the wife, admitting the receipt of Rs.50,000/- as also all the articles as per the terms and conditions of the settlement, which is taken on record as Mark-A.

Learned counsel for respondent No.2 affirms the aforesaid factum and submits that all the terms of the settlement have been fulfilled and has no objection to the FIR being quashed.

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.

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”

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.468, dated 04.06.2019, under Sections 406 and 420 of the IPC, registered at Police Station Karnal, Civil Lines, District Karnal, and all other consequential proceedings arising therefrom on the basis of the settlement dated 12.12.2022 (Annexure P-4), are quashed qua the petitioners.

(AMAN CHAUDHARY)
JUDGE

March 28, 2023

S.Sharma(syr)

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