

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-11889-2023 (O&M)

Date of order: 07.07.2023

Beant Singh & Others

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Nakul Sharma, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG Punjab.

Nidhi Gupta, J.

The prayer in this petition is for quashing of cross case bearing DDR/GD No.15 (Annexure P2) dated 28.11.2022 registered under Sections 326, 325, 324, 323, 354, 148 and 149 IPC (offence under Sections 326 and 325 IPC added later on) in case bearing FIR No.172 dated 27.11.2022 (Annexure **P-1**) under Sections 307 and 34 IPC and Sections 25 and 27 Arms Act registered at Police Station Kulgarhi, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 21/23.02.2023 (Annexure P-3) arrived at between the parties.

Vide order dated 10.03.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 10.03.2023 with regard to the compromise dated 21.02.2023 (Annexure P-3).

In terms of the order dated 10.03.2023 passed by this Court parties have appeared before the Court of Ms. Mandeep Kaur, Judicial Magistrate, 1st Class, Ferozepur and as per her report dated

13.04.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioners and respondents No.2 & 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case and all the accused are a party to the compromise.

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

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 complainants. 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 offence and quash the prosecution 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 the 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 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.”

In view of what has been discussed hereinabove, this petition is allowed and cross case bearing DDR/GD No.15 (Annexure P2) dated 28.11.2022 registered under Sections 326, 325, 324, 323, 354, 148 and 149 IPC (offence under Sections 326 and 325 IPC added later on) in case bearing FIR No.172 dated 27.11.2022 (Annexure **P-1**) under Sections 307 and 34 IPC and Sections 25 and 27 Arms Act registered at Police Station Kulgarhi, District Ferozepur along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

Petition stands disposed of.

07.07.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No