

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-35872-2023 in/&
CRM-M-12902-2023
Date of Decision: 01.09.2023

Mandeep Kaur and others
...Petitioners

Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Pardeep Kumar Kapila, Advocate, for
Mr. K.B. Raheja, Advocate, for the petitioners.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Paramveer Singh, Advocate for
Mr. Nitin Meel, Advocate, for respondent No.2.

VIKAS SURI, J.

CRM-35872-2023

This is an application under Section 482 Cr.P.C. for advancing
the date of hearing of the main petition, which is fixed for 17.10.2023.

It is pleaded that vide order dated 15.03.2023, parties were
directed to appear before the Court below to get their statements recorded.
Pursuant thereto, statements of parties have been recorded. Earlier also,
hearing of the main petition was advanced to 17.08.2023 but on that said
date, matter could not be taken up for hearing.

Notice of the application.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Paramveer Singh, Advocate appearing for Mr. Nitin Meel, Advocate, accepts notice on behalf of respondent No.2.

Counsel for the respective respondents submitted that they have no objection in case the prayer made in this application is granted.

For the reasons mentioned in the application supported by affidavit and keeping in view the peculiar facts and circumstances of the case, the present application is allowed. With the consent of learned counsel for the parties, main petition is advanced to today and taken on board for consideration.

CRM-M-12902-2023

1. Through the instant petition filed under Section 482 Cr.P.C., quashing of case FIR No.2 dated 07.01.2021, under Sections 420, 506 and 120-B IPC, registered at Police Station Mallanwala, District Ferozepur (Annexure P-1) along with all subsequent proceeding arising therefrom, is sought on the basis of compromise dated 11.10.2022 (Annexure P-2).
2. Vide order dated 15.03.2023, parties were directed to appear before the Illaqa Magistrate/trial Court for recording of their statements and the Court concerned was to send its report, *inter alia*, regarding genuineness of the compromise.
3. The trial Court's report dated 10.04.2023 has been received, wherein, the compromise is reported to be a result of mutual understanding of both the parties, without any pressure or coercion.
4. Learned counsel for the respective private parties submit that the complainant does not wish to pursue the FIR in question and has no

objection in case the same is quashed.

5. Though, no formal reply has been filed by the State, however, learned State counsel does not seriously oppose the prayer being granted in view of the facts and circumstances of the case.

6. Heard learned counsel for the parties.

7. In ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052***, a Full Bench of this Court has held that under Section 482 Cr.P.C., High Court has power to allow compounding of non-compoundable offence and also to quash the prosecution where it 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.

8. Similarly, the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and another, 2012(4) RCR(Criminal) 543*** has 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 the High Court to quash criminal proceedings in which a compromise has been effected.

9. Further, the law laid down in ***Gian Singh's*** case (supra) was reiterated by the Hon'ble Supreme Court in ***Jasmair Singh & another vs. State of Haryana and another, (2022) 9 SCC 73***, wherein, the FIR and proceedings pursuant thereto were quashed considering the fact that the parties had buried the hatchet and decided to give quietus to the proceedings.

10. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both

the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as ultimately the chances of conviction are bleak.

11. In view of above, this petition is allowed. Resultantly, FIR No.2 dated 07.01.2021, under Sections 420, 506 and 120-B IPC, registered at Police Station Mallanwala, District Ferozepur (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed.

September 01, 2023
Harish

(VIKAS SURI)
JUDGE

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