

CRM-M-26218-2023

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2023:PHHC:133982

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

247

CRM-M-26218-2023

Date of Decision: 13.10.2023

Palwinder Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. J.S. Lalli, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. J.S. Rana, Advocate for

Mr. Sandeep Arora, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 311 dated 25.10.2008 (Annexure P-1) registered under Sections 354 and 506 IPC at Police Station Sadar, District Jalandhar and all consequent proceedings arising therefrom, including the judgment of conviction and order of sentence dated 20.07.2017 (Annexure P-3) passed by the learned Additional Sessions Judge, Jalandhar, on the basis of compromise deed dated 28.01.2022 (Annexure P-4) effected between the parties.

The petitioner was convicted under Sections 354 and 506 IPC and sentenced to undergo rigorous imprisonment for 02 years and to pay a fine of Rs.3000/-, vide aforementioned judgment of conviction and

order of sentence.

Pursuant to the orders dated 22.05.2023 and 07.08.2023 passed by this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Jalandhar, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Jalandhar, has submitted his report along with statements of the parties vide letter dated 25.08.2023 duly forwarded to this Court by the learned District and Sessions Judge, Jalandhar.

A perusal of the above said report would show that the petitioner and respondents No. 2 and 3 and 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 petitioner has submitted that as per report, petitioner is the only accused in the present case and he is party to the compromise and has never been declared a proclaimed offender. It is submitted that in the present case, petitioner-Palwinder Singh, had already been convicted under Section 354 and 506 IPC and sentenced to undergo rigorous imprisonment for 02 years and to pay a fine of Rs.3000/- by the learned Additional Sessions Judge, Jalandhar, vide order 20.07.2017 (Annexure P-3). Being aggrieved of the same, the petitioner preferred a revision petition bearing CRR-2543-2017 before this Court and during the pendency of said revision, the matter has amicably been resolved between the parties. Learned counsel for the petitioner further submits that the offence under Section 354 IPC is compoundable with the permission of Court. In support of his

contention, learned counsel for the petitioner has placed reliance upon a judgment of the Hon'ble Supreme Court in ***Ramgopal & Anr. vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***, wherein it was held that non-compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is arrived at after conviction.

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

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Additional Chief Judicial Magistrate, Jalandhar, this Court finds that the matter has been amicably settled between the petitioner and respondents No. 2 and 3. 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 proceedings 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 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 here-in-below:-

“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 the present case, petitioner-Palwinder Singh had already been convicted vide judgment of conviction and order of sentence dated 20.07.2017 (Annexure P-3) passed by the learned Additional Sessions Judge, Jalandhar. Hon'ble Division Bench of this Court in case ***Sube Singh and another Vs. State of Haryana and another: 2013(4) RCR (Criminal) 102***, held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 311 dated 25.10.2008 (Annexure P-1) registered under Sections 354 and 506 IPC at Police Station Sadar, District Jalandhar and all consequent proceedings arising therefrom, including the judgment of conviction and order of sentence dated 20.07.2017 (Annexure P-3) passed by the learned Additional Sessions Judge, Jalandhar, on the basis of compromise deed dated 28.01.2022 (Annexure P-4) effected between the parties are ordered to be quashed qua the petitioners.

13.10.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No