

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15290-2023
Date of decision: 30.11.2023

BHUPINDER SINGH AND ANOTHERPetitioners

versus

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Prashant Bansal, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Sumit Dua, Advocate
for respondent Nos.2 and 3.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 108 dated 12.04.2018, registered at Police Station City Rajpura, District Patiala, under Sections 452, 454, 354, 323, 34 IPC (Annexure P-1), on the basis of compromise dated 23.02.2023 (Annexure P-2) between the parties.

2. As per order dated 28.03.2023, the report from trial Court/Duty Magistrate was sought regarding genuineness of the compromise.

3. As per the report received from the Court of learned Judicial Magistrate First Class, Rajpura, he has recorded the statements of all the concerned parties and reported that the compromise has been effected between the parties which is genuine. The Magistrate has made the following report:-

(1) In the present FIR there are only two persons namely Bhupinder Singh and Balwinder Singh involved as an accused and except them there is no other person arraved as an accused.

- (2) *There is no other person involved as complainant/affected/aggrieved party apart from the respondents namely Rajni and Mamo Devi (eye witness) @ Mam Devi in the present case.*
- (3) *None of the party is/are involved in any other criminal case except in the present case.*
- (4) *None of the party have even been declared proclaimed offender in the present case.”*

4. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

5. Since the parties have given quietus to the matter and the matter has been settled as the parties have decided to live in peace, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

6. Consequently, this petition is allowed and FIR No. 108 dated 12.04.2018, registered at Police Station City Rajpura, District Patiala, under Sections 452, 454, 354, 323, 34 IPC (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30.11.2023
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