

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

269

CRM-M-17360-2023

Decided on :31.08.2023

Palwinder Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr.Ruhani Chadha, Advocate for the petitioners.

Mr. H.S.Sulllar, Sr. DAG, Punjab.

Mr. Keshav Chadha, Advocate for respondents No.2 & 3.

AMAN CHAUDHARY, J.

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.126, dated 31.07.2019, registered under Sections 420 and 120-B of Indian Penal Code, at Police Station Kot Bhai, District Sri Muktsar Sahib(Annexure P-1) and all other consequential proceedings arising therefrom on the basis of the compromise/affidavit dated 04.03.2023 (Annexure P-2).

2. On the oral request of the petitioners, the name of respondent No.3 be corrected as '*Kuldeep Singh, son of Pooran Singh*' in the quashing petition as well as in the Memo of Parties. Registry is directed to carry out necessary corrections in this regard.

3. Learned counsel for the petitioners submits that as a matter of fact respondent No.2, who is the complainant, had allegedly paid the amount to the petitioners for sending his son, namely Kuldeep Singh abroad, however, with the intervention of the respectables, a compromise has been arrived at between the parties and affidavit dated 04.03.2023 (Annexure P-2) was executed by him.

After direction passed by this Court for recording the statements of the parties, his

statement has also been recorded. Though, the statement of his son-Kuldeep Singh has not been recorded, however, it is the complainant who had parted with the money and, therefore, is the person aggrieved. Though respondent No.3-Kuldeep Singh, son of Pooran Singh has not got the statement recorded, but in the statement of the complainant recorded on 31.05.2023, he stated that he along with his son have effected a compromise and that his son could not get his statement recorded, being out of station. Learned counsel further submits that regarding a similar dispute, an FIR No. 178 dated 16.10.2019 registered under Sections 420 & 120-B IPC registered at same police station which has already been quashed by this Court vide order dated 25.07.2023.

4. Learned State counsel submits that the cancellation report has also been presented before the Court wherein the complainant has also given a statement to the effect that he has no objection in case the quashing petition is accepted and the FIR in question is quashed.

5. Heard learned counsel for the parties and also gone through the case file.

6. This Court while issuing notice of motion vide order dated 12.04.2023, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

7. Pursuant to the aforesaid order, report dated 08.08.2023 has been received from the Judicial Magistrate Ist Class, Gidderbaha. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are three accused. None of the accused has been

declared as proclaimed offender.

8. Statement of complainant/respondent No.2-Pooran Singh is reproduced as under:-

“Complainant Pooran Singh suffered a statement to the effect that FIR No.126 dated 31.07.2019 under Section 420, 120-B of IPC, Police Station Kotbhai, District Sri Muktsar Sahib was registered on his statement against accused namely Palwinder Singh, Pinki and Kamaljeet Malli. Now, he alongwith his son Kuldeep Singh has effected compromise with all the above said accused. His son Kuldeep Singh was out of station due to which he could not appear before the Court. He has no grudge against the above stated accused. The said compromise has been effected with his free will, without any pressure, threat or coercion. He has no objection if the above said FIR be quashed against all the accused. He alongwith his son Kuldeep Singh are the only complainant/victim/aggrieved persons in the present FIR.”

9. 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.

10. Hon'ble the Supreme Court 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”

11. In view of the afore-referred judgments, 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.

12. Resultantly, the present petition is allowed and FIR No.126, dated 31.07.2019, registered under Sections 420 and 120-B of Indian Penal Code, at Police Station Kot Bhai, District Sri Muktsar Sahib (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed qua the petitioners on the basis of the compromise/affidavit dated 04.03.2023 (Annexure P-2).

[AMAN CHAUDHARY]
JUDGE

31.08.2023
Anjal

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