

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M-19584-2023
Decided on : 07.07.2023

Jagtar Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. M. S. Khaira, Advocate
for the petitioners

Ms. Himani Arora, AAG, Punjab

Mr. L. S. Sidhu, Advocate
for respondent No. 3

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 35 dated 10.06.2022 under Sections 457 and 380 of the Indian Penal Code, 1860 and Rapat No. 28 in FIR No. 35, dated 10.06.2022 registered under Sections 323, 324, 342, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25, 26, 27, 54 of the Arms Act and Section 3 (4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act , 1989 at Police Station Bholath, District Kapurthala, Annexure P-2 and all other consequential proceedings arising therefrom on the basis of compromise dated 03.01.2023,

Annexure P-4.

2. Learned counsel for the petitioner contends that it is a case of version and cross version. There is no fire arm that was used in the occurrence and as per the FIR, it was merely shown to the complainant in the cross version when he was found caught red handed stealing objects from the house of one of the petitioners.

3. This Court vide order dated 24.04.2023 had directed the parties to appear before the trial Court/Illaqa Magistrate for recording their statements with regard to the compromise.

4. Pursuant to the aforesaid order, report dated 07.06.2023 has been received from the Additional District and Sessions Judge, Kapurthala. A perusal of the said report reveals that statements of the concerned persons have been recorded, who have stated that the matter has been settled between the parties and they have no objection if the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is also stated in the report that there are 6 accused persons. And they have not been declared as proclaimed offenders.

5. Heard learned counsel for the parties and perused the case file.

6. 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.

7. 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”

8. In view of the above-referred judgments and after a perusal of the report of trial Court regarding amicable settlement between the petitioners and the complainants, this Court finds that quashing of FIR will accord a quietus to all disputes between the parties and it is in the best 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.

9. Resultantly, the present petition is allowed and FIR No. 35 dated 10.06.2022 under Sections 457 and 380 of the Indian Penal Code, 1860 and Rapat No. 28 in FIR No. 35, dated 10.06.2022 registered under Sections 323, 324, 342, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25, 26, 27, 54 of the Arms Act and Section 3 (4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act , 1989 at Police Station Bholath, District Kapurthala, Annexure P-2 and all other consequential proceedings arising

therefrom are quashed qua the petitioners on the basis of compromise and affidavit dated 03.01.2023.

(AMAN CHAUDHARY)
JUDGE

07.07.2023
Mehak

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