262 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19038-2023
Date of decision: 04.09.2023

SUKHWINDER SINGH **…Petitioner**

VERSUS

STATE OF PUNJAB AND ANR. **...Respondents**

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. M.K. Dhot, Advocate for
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Ravi Chadha, Advocate
for respondent No.2.
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NIDHI GUPTA, J.(ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.233 dated 16.11.2021 under Section 498-A of IPC, 1860 registered at Police Station Dirba, District Sangrur (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise/settlement dated 13.03.2023 (Annexure P-2).

Pursuant to the order dated 19.04.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned JMIC, Sunam, to get their statements recorded. Learned JMIC, Sunam, has submitted his report along with statements of the parties vide letter dated 05.08.2023 duly forwarded by the learned District and Sessions Judge, Sangrur.

A perusal of the above said report would show that the petitioner and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, without any fear or pressure.

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Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

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

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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

After perusing the report submitted by the concerned Magistrate, this Court finds that the matter has been amicably settled between the petitioner and respondent No.2. 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 offences 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

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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 hereinbelow:

> *"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 accordance 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 view of what has been discussed hereinabove, this petition is allowed and FIR No.233 dated 16.11.2021 under Section 498-A of IPC, 1860 registered at Police Station Dirba, District Sangrur (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

September 04, 2023 **(NIDHI GUPTA)**
nisha-II **JUDGE**

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

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