

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

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CRM-M-22215-2019 (O&M)

Date of decision: 21.09.2023

Gursewak Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Swarn Tiwana, Advocate for the petitioner

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

Mr. N.S. Sidhu, Advocate for respondent No.2

AMAN CHAUDHARY. J.

1. The present petition has been filed for quashing of FIR No.67, dated 30.08.2010, registered under Section 365 IPC, at Police Station Mulepur, District Fatehgarh Sahib, and all other consequential proceedings arising therefrom on the basis of the compromise and affidavit dated 31.07.2017 and 12.04.2018, Annexures P-2 and P-3 respectively.

2. Learned counsel contends that the petitioner was 16-17 years old at the time of the alleged incident and had been falsely implicated in the case. The grandson of the complainant had left the home due to some altercation that had taken place in his family, wherein the petitioner had no role to play. Cancellation report in the present case was presented on 17.05.2011 and on 27.09.2018, untraced report was also submitted as is depicted in the order dated 05.03.2019,

Annexure P-10 passed by the Judicial Magistrate First Class, Fatehgarh Sahib.

Finally, on 24.07.2018, the complainant had suffered a statement before the trial Court, which reads thus:

“I have compromised the matter with the accused Gursewak Singh out of my own free will and volition and without any inducement, threat or coercion. I have seen original compromise dated 31.07.201 on which I identify my signatures and the same is Ex.CX. I have also filed the affidavit on dated 12.04.2018 regarding the quashing of FIR No.67. I have no objection if the Hon’ble High Court quashes the said FIR by relying upon the said investigation report conducted by the police officials. Photostat copy of affidavit dated 12.04.2018 is Ex.CY. I have no objection if the present FIR registered against the accused Gursewak Singh is quashed.”

3. Reliance in this regard is placed on the judgments passed by Hon’ble The Supreme Court in the cases of **Sewa Singh vs. State of Punjab and Another**, 2010 (25) R.C.R. (Criminal) 51 and **Satish Kumar vs. State of Punjab and Another**, 2015 (35) R.C.R. (Criminal) 620.

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

5. This Court while issuing notice of motion vide order dated 16.05.2019, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

6. Pursuant to the aforesaid order, report dated 11.07.2019 has been received from the learned Judicial Magistrate 1st Class, Fatehgarh Sahib. 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 is only one accused.

7. 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.

8. 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”

9. This Court in the case of **Sewa Singh** (supra), the FIR registered under Sections 376, 365 and 120B IPC was quashed to secure the ends of justice after the parties had arrived at a compromise.

10. In **Satish Kumar** (supra), also this Court, while observing that the continuation of proceedings between the parties would be an abuse of process of

law, and to bring peace and harmony between them, allowed the petition filed for quashing the FIR registered under Sections 363, 365, 366 IPC.

11. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner and the complainant, 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.67, dated 30.08.2010, registered under Section 365 IPC, at Police Station Mulepur, District Fatehgarh Sahib, and all other consequential proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise and affidavit dated 31.07.2017 and 12.04.2018 respectively.

(AMAN CHAUDHARY)
JUDGE

September 21, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No