

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

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CRM-M-24839-2023 (O&amp;M)

Date of order: 23.08.2023

Navtej Singh @ Teji &amp; Another

.....Petitioner(s)

Vs.

State of Punjab &amp; Another

.....Respondent(s)

CORAM:

HON'BLE MS. JUSTICE NIDHI GUPTA

Present:-

Mr. Himanshu Arora, Advocate  
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

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**Nidhi Gupta, J.**

The prayer in this petition is for quashing of FIR No.79 dated 20.07.2002 (Annexure P-1) under Sections 354, 341, 323, 506 and 34 IPC registered at Police Station Morinda; and all consequential proceedings including challan, charge-sheet, charges, judgment of conviction dated 20.01.2009 (Annexure P3) under Sections, 323, 354 and 452 of IPC passed by learned Judicial Magistrate, 1<sup>st</sup> Class, Ropar in case police challan No.RT25/16.11.2002/6.6.2008, as also quashing of judgment dated 11.06.2010 (Annexure P4) passed by the Court of Sessions Judge, Rupnagar in Criminal Appeal No.4 dated 24.01.2009, in terms of compromise dated 22.04.2023 (Annexure P5) arrived at between the parties.

Ms. Harpreet Kaur, Advocate puts in appearance on behalf of respondent No.2 and files Power of Attorney which is taken on record.

Vide order dated 16.05.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 16.05.2023 with regard to the compromise dated 22.04.2023 (Annexure P-5).

In terms of the order dated 16.05.2023 passed by this Court parties have appeared before the Court of Ms. Parul, PCS, Judicial Magistrate, 1<sup>st</sup> Class, Rupnagar, and as per her report dated 12.06.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioners and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners submits that conviction in terms of judgment dated 20.01.2009 was of three accused persons which included Jarnail Singh s/o Hakam Singh (since deceased had expired on 2008) and other two accused persons were Navtej Singh @ Teji (petitioner No.1) and Jagtar Singh @ Rinku (petitioner No.2). Learned counsel relies upon judgment of Hon'ble Supreme Court in **"Ramgopal & Another Vs. State of Madhya Pradesh"** 2021 SCC OnLine SC 834; of this Court in **"Kulwinder Singh & Others Vs. State of Punjab & Another"** 2007 (2); **"Chamkaur Singh & Another Vs. State of Punjab & Others"** CRR-755-2020 and in **"Rajiv & Others Vs. State of Haryana & Another"** CRM-M-12286-2021 decided on 19.07.2022, to submit that in such cases also FIR

and all other consequential proceedings arising therefrom may be quashed on the basis of compromise.

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case and all the accused are a party to the compromise.

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

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 Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioners and the complainant. 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 offence 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 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 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.”*

In view of what has been discussed hereinabove, this petition is allowed and FIR No.79 dated 20.07.2002 (Annexure **P-1**) under Sections 354, 341, 323, 506 and 34 IPC registered at Police Station Morinda along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

23.08.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No