

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CRM-M-26691-2023 (O&M)
Date of Decision: 12.09.2023

Hunny @ Lucky and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Shubham Mehta, Advocate, for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Shubham Kaushik, Advocate for
Mr. Vivek Singla, Advocate, for respondent No.2.

VIKAS SURI, J.

1. Through the instant petition filed under Section 482 Cr.P.C., quashing of case FIR No.0087 dated 19.06.2022, under Sections 447, 511, 34 IPC (Section 120-B IPC added later on vide GD No.026 dated 19.06.2022), registered at Police Station Division No.4, District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceeding arising therefrom, is sought on the basis of compromise dated 02.05.2023 (Annexure P-3).
2. Vide order dated 25.05.2023, parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements and the Court concerned was to send its report, *inter alia*, regarding genuineness of the compromise.

3. The trial Court's report dated 07.07.2023 has been received, wherein, the compromise is reported to be a result of mutual understanding of both the parties, without any pressure or coercion.

4. Learned counsel for the respective private parties submit that the complainant does not wish to pursue the FIR in question and has no objection in case the same is quashed.

5. Though, no formal reply has been filed by the State, however, learned State counsel does not seriously oppose the prayer being granted in view of the facts and circumstances of the case.

6. Heard learned counsel for the parties.

7. In ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052***, a Full Bench of this Court has held that under Section 482 Cr.P.C., High Court has power to allow compounding of non-compoundable offence and also to quash the prosecution where it 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.

8. Similarly, the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab and another, 2012(4) RCR(Criminal) 543*** has 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 the High Court to quash criminal proceedings in which a compromise has been effected.

9. Further, the law laid down in ***Gian Singh's*** case (supra) was reiterated by the Hon'ble Supreme Court in ***Jasmair Singh & another vs. State of Haryana and another, (2022) 9 SCC 73***, wherein, the FIR and proceedings pursuant thereto were quashed considering the fact that the

parties had buried the hatchet and decided to give quietus to the proceedings.

10. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as ultimately the chances of conviction are bleak.

11. In view of above, this petition is allowed. Resultantly, FIR No.0087 dated 19.06.2022, under Sections 447, 511, 34 IPC (Section 120-B IPC added later on vide GD No.026 dated 19.06.2022), registered at Police Station Division No.4, District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed.

September 12, 2023
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :

Yes / No

Whether Reportable :

Yes / No