

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

Date of Decision: January 05, 2023  
**CRM M-28074-2020 (O&M)**

Kuldeep Singh and others .....Petitioners  
Vs.  
State of Punjab and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

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Present:- Mr. Chanan Singh, Advocate for  
Mr.B.S. Sidhu, Advocate for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr.Divij Dutt, Advocate for respondent No.2 (i) to 2 (ii).

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**HARKESH MANUJA (ORAL)**

**CRM-2597-2021**

Application for placing on record compromise dated 20.01.2021  
is allowed as prayed for subject to all just exceptions. Annexure P-5 is  
taken on record.

Registry to tag the same at appropriate place.

**MAIN CASE:**

By way of present petition, petitioners seek quashing of FIR No.  
14 dated 01.02.2003 under Sections 336/148/149 IPC, registered at Police  
Station Sadar, Malout, District Sri Muktsar Sahib, on the basis of  
compromise.

As per the allegations leveled in the FIR, the dispute revolves  
around the commission of water outlet; wherein the petitioners tried to  
create hindrance.

Though during investigation, the allegations leveled in the FIR could not be established even prima facie and untraced report was accordingly filed before the concerned Court, however, the same was rejected by the Court of learned JMJC, Malout, vide order dated 16.12.2018. Later, based on an affidavit dated 19.02.2020 submitted by the complainant, the present petition came to be filed seeking quashing of aforesaid FIR on the basis of compromise. Even one compromise dated 20.01.2021 signed by all the parties also came to be filed at the instance of petitioners which is taken on record.

Unfortunately, during pendency of the present petition, the complainant expired on 31.01.2021 and thereafter, his two sons, namely, Gurpal Singh and Harpal Singh were ordered to be impleaded.

In pursuance to order dated 23.05.2022 passed by this Court directing the parties to appear before the trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, report dated 16.07.2022 has been received from the concerned Court stating that the compromise is "*genuine, voluntary and without any coercion or undue influence.*"

Though, the offence under Section 336 IPC is non-compoundable, however, considering the fact that the parties are residents of same village and the dispute pertaining to the year 2003 which in fact has already faded down by afflux of time even, also in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences has no societal interest involved, it would be appropriate for this Court to invoke powers under

Section 482 Cr.P.C. so as to give peaceful quietus to the aforementioned dispute by quashing the FIR based on the compromise entered into between the parties.

As regards the exercise of powers under Section 482 Cr.P.C. for the purpose of quashing of FIR in a non-compoundable offence, reference can be made to the judgment of Hon'ble Supreme Court in **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and ors. Vs. State of Gujarat and another**, 2017 (4) RCR (Crl.) 523 and relevant portion of the same is reproduced hereunder:-

*“15. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:*

- (i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;*
- (ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.....”*

Since the parties have arrived at a compromise, in order to live in peace, no useful purpose would be served by proceeding further with the

criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR.

Accordingly, this petition is allowed. FIR No. 14 dated 01.02.2003 under Sections 336/148/149 IPC, registered at Police Station Sadar, Malout, District Sri Muktsar Sahib as well as all the subsequent proceedings arising therefrom are hereby quashed.

**January 05, 2023**  
sanjay

**(HARKESH MANUJA)**  
**JUDGE**