

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33610-2023 (O&M)
Date of decision: 12.10.2023

Lokesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Himanshu Jain, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Ms. Ritu Manohar, Advocate for
Mr. Ishmeet Singh, 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.0001 dated 03.01.2023, under Sections 406 and 420 IPC, registered at Police Station Naya Gaon, District SAS Nagar, Mohali, along with all subsequent proceeding arising therefrom, is sought on the basis of compromise dated 03.07.2023 (Annexure P-2).

[2] Vide order dated 17.07.2023, parties were directed to appear before the Illaqa Magistrate/trial Court 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 23.08.2023 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.0001 dated 03.01.2023, under Sections 406 and 420 IPC, registered at Police Station Naya Gaon, District SAS Nagar, Mohali, along with all subsequent proceedings arising therefrom are hereby quashed.

October 12, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No