

252 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.42002 of 2022
Date of order: 09.10.2023

Birbal Khan

.....Petitioner

Versus

State of Punjab and anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gaurav Singla, Advocate for the petitioner.
 Mr. Kunwarbir Singh, AAG, Punjab.
 Mr. Vikram Satpal Anand, Advocate for respondent
 No.2.

Nidhi Gupta, J. (Oral)

Prayer in the present petition is for quashing of FIR No.0043 dated 19.04.2018 (Annexure P-1) under Section 354 IPC registered at Police Station Amargarh, Tehsil and District Malerkotla (Erstwhile District Sangrur) and all other subsequent proceedings arising therefrom on the basis of compromise deed dated 01.09.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 17.01.2023 this Court had directed the parties to appear before the concerned trial Court/Duty Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 17.01.2023 with regard to the compromise dated 01.09.2022 (Annexure P-2).

In terms of the order dated 17.01.2023 passed by this Court, parties have appeared before the Court of learned Judicial Magistrate 1st Class, Malerkotla and as per his report dated 03.04.2023, duly forwarded by the learned District & Sessions Judge, Sangrur to this Court on

05.04.2023, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioner 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 petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State Counsel states that he has no objection in case the FIR is quashed on the basis of compromise dated 01.09.2022 (Annexure P/2) qua the petitioner.

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 learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Malerkotla, this Court finds that the matter has been amicably settled between the petitioner and respondent No.2. 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, the present petition is **allowed** and FIR No.0043 dated 19.04.2018 (Annexure P-1) under Section 354 IPC registered at Police Station Amargarh, Tehsil and

District Malerkotla (Erstwhile District Sangrur) along with all other subsequent proceedings arising therefrom on the basis of compromise deed dated 01.09.2022 (Annexure P-2) are ordered to be quashed qua the petitioner.

(Nidhi Gupta)
Judge

09.10.2023
'Amit'

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