

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-40920-2023 (O&M)

Date of Decision: 06.12.2023

Gurvel Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

Mr. Vishal Munjal, Advocate, for respondent No.2.

VIKAS SURI, J.

CRM-50715-2023

Prayer in the present application is for preponement of date of hearing of the main petition from 21.02.2024 to an early date.

Notice of the application.

Mr. Hakam Singh, AAG, Punjab, accepts notice on behalf of the respondent-State. Mr. Vishal Munjal, Advocate, accepts notice on behalf of respondent No.2-complainant. They plead no objection to the limited prayer made in the application being granted by this Court.

For the reasons mentioned in the application and the submissions noticed above, the instant application is allowed. The date of hearing of main petition is postponed to today and with the consent of learned

counsel for the parties, same is taken on board for consideration.

CRM stands disposed of.

CRM-M-40920-2023

1. Through this petition, the petitioner seeks quashing of FIR No.68 dated 30.05.2020, under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Majitha Road, District Police Commissionerate Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise dated 10.07.2023 (Annexure P-5) arrived at between the parties.

2. Learned counsel for the petitioners contends that the FIR is the outcome of a monetary dispute between the petitioner and respondent No.2 which has now been resolved and the matter has been compromised. It is submitted that the FIR in question already stands quashed qua co-accused Rajwant Kaur and Paramjit Kaur on the basis of compromise vide order dated 12.08.2021 passed by this Court in CRM-M-22013-2021 titled *Rajwant Kaur and another vs. State of Punjab and another*.

3. Vide order dated 12.08.2023, parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements and the Court concerned was to send its report, *inter alia*, regarding genuineness of the compromise.

4. The trial Court's report dated 31.10.2023 has been received, wherein, the compromise is reported to be a result of mutual understanding of both the parties, without any pressure or coercion.

5. Learned counsel for respondent No.2 submits that the complainant does not wish to pursue the FIR in question and has no objection in case the same is quashed.

6. 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.

7. Heard learned counsel for the parties.

8. 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.

9. 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.

10. 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.

11. 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.

12. Keeping in view the law laid down in *Kulwinder Singh*'s case and *Gian Singh*'s case (supra) and the fact that the FIR in question is an outcome of a monetary dispute which has now been resolved and the matter has been compromised and the same has already been quashed qua co-accused Rajwant Kaur and Paramjit Kaur, on the basis of compromise vide order dated 12.08.2021 passed by this Court in CRM-M-22013-2021, titled *Rajwant Kaur and another vs. State of Punjab and another*, this petition deserves to be allowed.

13. In view of the above, FIR No.68 dated 30.05.2020, under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Majitha Road, District Police Commissionerate Amritsar, and all the consequential proceedings arising therefrom are hereby quashed.

December 06, 2023
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No