

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-43049-2020 (O&M)

Date of order: 25.07.2023

Pankaj Kumar

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Nagar Singh, Advocate
for the petitioner.

Mr. Virat Rana, AAG Punjab.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.207 dated 27.10.2020 (Annexure P-1) under Sections 363 and 366 IPC registered at Police Station Garhshankar, District Hoshiarpur and all consequential proceedings arising therefrom.

Mr. Arnav Sood, Advocate puts in appearance on behalf of respondent No.4 and files Vakalatnama which is taken on record.

Learned counsel for respondent No.4 submits that the matter has been settled between the parties. It is further submitted that daughter of respondent No.4 and the petitioner are now married. It is further submitted that at the time of alleged commission of offence, daughter of respondent No.4 was a minor and now she is a major. It is submitted that he has no objection if the present FIR is quashed qua the petitioner.

Learned State Counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

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 prosecution 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, this petition is allowed and FIR No.207 dated 27.10.2020 (Annexure **P-1**) under Sections 363 and 366 IPC registered at Police Station Garhshankar, District Hoshiarpur along with all other consequential proceedings arising therefrom, are ordered to be quashed qua the petitioner.

Petition stands disposed of.

25.07.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No