

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-42162-2023 (O&M)

Date of order: 13.10.2023

Heavenpreet Singh

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

Mr. Kapish Singla, Advocate
for respondent No.2.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.161 dated 29.09.2018 (Annexure **P-1**) under Sections 354, 354D and 120-B IPC registered at Police Station Sadar Dhuri, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise dated 11.08.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 25.08.2023, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 25.08.2023 with regard to the compromise dated 11.08.2023 (Annexure P-2).

In terms of the order dated 25.08.2023 passed by this Court parties have appeared before the Court of learned Judicial

Magistrate, 1st Class, Dhuri and as per her report dated 30.09.2023 submitted to this Court, both the parties have got recorded their respective statements in Court. It is mentioned in the report that present FIR was registered against five accused persons including the petitioner while compromise dated 11.08.2023 (Annexure P-2) has been effected between the petitioner and complainant/respondent No.2.

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 State Counsel files status report by way of affidavit of Talwinder Singh Gill, PPS, Deputy Superintendent of Police, Sub-Division Dhuri, District Sangrur dated 13.10.2023, which is taken on record. Learned State Counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise 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 both the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file and observed that out of a total of five accused, only the petitioner has approached this Court seeking quashing of FIR on the basis of compromise. The Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R.***

(Criminal) 589, has held that partial quashing of the FIR is permissible on the basis of compromise.

Partial quashing or part quashing of FIR only qua the petitioner(s)/accused with whom the complainant(s) has/have compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner(s)/accused cannot be allowed to suffer based on a complaint filed by the respondent(s), when subsequently, all disputes have been settled between the parties. Reliance can be placed upon ***“Poonam Khanna vs. State & Ors” in Crl.M.C.No. 3690/2016 Dated 30.01.2018.***

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainant. 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, this petition is **allowed** and FIR No.161 dated 29.09.2018 (Annexure **P-1**) under Sections 354, 354D and 120-B IPC registered at Police Station Sadar Dhuri, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise dated 11.08.2023 (Annexure P-2), are ordered to be quashed qua the petitioner.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

13.10.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No