

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45024-2022
Date of decision: 27.03.2023

HARMAIL SINGH ALIAS RAJU

...Petitioner

V/s

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. H.S. Sullar, Dr. DAG, Punjab.

Mr. Satnam Singh, Advocate for
Mr. Deepak Vashisht, Advocate
for respondent Nos.2 to 4.

AMAN CHAUDHARY J. (ORAL)

Present petition has been filed for quashing of FIR No.38, dated 13.04.2015, under Sections 452, 323, 427, 148 and 149 of IPC, registered at Police Station Sadar Bathinda, District Bathinda as well as setting aside the judgment and order of sentence dated 22.01.2019 passed by JMIC, Bathinda and all other consequential proceedings arising therefrom on the basis of the compromise dated 13.09.2022 (Annexure P-3).

Notice of motion was issued on 28.09.2022 and both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order, report dated 22.12.2022 has been received from the Judicial Magistrate 1st Class, Bathinda. A perusal of

the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between the parties and they have no objection in case the FIR in question is quashed and the compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there is only one accused. Neither he has been declared as proclaimed offender and nor involved in any other FIR.

I have heard learned counsel for the parties and have also gone through the case file.

The Full Bench of this Court in “**Kulwinder Singh and others Vs State of Punjab**”, 2007 (3) RCR (Criminal) 1052, 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 view that the same was 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 the Supreme Court of India in the case of “**Gian Singh Vs. State of Punjab and another**”, 2012 (4) RCR (Criminal) 543, had 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 reads thus:-

“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. XXX---XXX”

In view of the judgments referred to above, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant(s), this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

Resultantly, the present petition is allowed and FIR No.38, dated 13.04.2015, under Sections 452, 323, 427, 148 and 149 of IPC, registered at Police Station Sadar Bathinda, District Bathinda as well as setting aside the judgment and order of sentence dated 22.01.2019 passed by JMIC, Bathinda and all other consequential proceedings arising therefrom on the basis of the compromise dated 13.09.2022 (Annexure P-3), are quashed qua the petitioners.

27.03.2023
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No