

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRM-M-38576-2019 (O&M)

Date of decision: 25.07.2023

Balwinder Singh and Others

....Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.B.S. Goraya, Advocate for the petitioner No.5

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

Mr. S.P.S. Sandhu, Advocate for respondent No.2

AMAN CHAUDHARY. J.

1. The present petition has been filed for quashing of Complaint Case No.75, dated 03.09.2002 titled as Karaj Singh vs. Balwinder Singh and Others and registered under Sections 326, 325, 324, 323, 148 and 149 IPC and setting aside order dated 07.07.2009 passed by learned trial Court and order dated 01.07.2011 passed by learned Appellate Court all other consequential proceedings arising therefrom on the basis of the compromise (Annexure P-1).

2. This Court while issuing notice of motion vide order dated 11.09.2019, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

3. Pursuant to the aforesaid order, report dated 27.11.2019 has been received from the learned Additional Civil Judge (Sr. Division)-cum-SDJM, Ajnala. 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 them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are six accused. Accused Harjinder Singh has been declared as proclaimed offender.

4. Heard learned counsel for the parties and also gone through the case file.

5. 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.

6. 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”

7. Hon'ble The Supreme Court of India in case of **Jayrajsingh**

Digvijaysingh Rana vs. State of Gujrat and another, 2012(12) SCC 401, held that where there is a partial compromise with some of the accused even then also the proceedings against the said accused should be quashed as the same would not even remotely result in his conviction.

8. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, 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.

9. Resultantly, the present petition is party allowed and Complaint Case No.75, dated 03.09.2002 titled as Karaj Singh vs. Balwinder Singh and Others and registered under Sections 326, 325, 324, 323, 148 and 149 IPC and setting aside order dated 07.07.2009 passed by learned trial Court and order dated 01.07.2011 passed by learned Appellate Court, and all other consequential proceedings arising therefrom are quashed qua the petitioner No.5 on the basis of the compromise.

(AMAN CHAUDHARY)
JUDGE

July 25, 2023
M.Kamra

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