

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

282-1

Date of decision:14.11.2023

1. CRM-M No.49070 of 2023

YOGESH KOHLI AND OTHERS Petitioners
Versus
SHILPA Respondent

2. CRM-M No.12035 of 2015

RAJESH PURI Petitioner
Versus
SHILPA Respondent

3. CRM-M No.37842 of 2015

DAVINDER KUMAR WARDHWAN AND OTHERS Petitioners
Versus
SHILPA Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rishabh Gupta, Advocate for the petitioners in
CRM-M No.37842 of 2015 and CRM-M No.49070 of 2023.
Mr. Vipin Mahajan, Advocate
for the petitioner in CRM-M No.12035 of 2015.

Mr. Vaibhav Narang, Advocate
for the respondent/complainant (in all cases).

MANISHA BATRA, J. (oral)

1. This common order shall dispose of the above mentioned petitions
filed under Section 482 Cr.P.C. by the petitioners who are accused in a
common criminal complaint bearing No.60/06.06.2014 (COMI/498/2014)
titled as *Shilpa vs. Davinder Kumar Wadhawan and Others*, as filed by the

respondent which is pending before learned Judicial Magistrate Ist Class, Ludhiana. The petitioners have been summoned as accused in the aforementioned complaint in pursuance of order dated 27.11.2014 to face trial for commission of offences punishable under Sections 323 & 326 of IPC.

2. The petition bearing No. CRM-M-49070-2023 has been filed seeking quashing of the complaint and the summoning order on the basis of a compromise dated 25.09.2018 as arrived at between the petitioners-accused namely, Yogesh Kohli, Urmila Kohli, Jatinder Kohli and Veenu Kohli and respondent-complainant whereas, the remaining two petitions bearing No. CRM-M-12035-2015 and CRM-M-37842-2015 had been filed by the petitioners who are remaining accused seeking quashing of the complaint on merits and it is during the pendency thereof, that a compromise had been effected between the parties and directions were given to record their statements before the trial Court in pursuance thereof.

3. The statements of the parties in CRM-M-49070-2023 had been recorded on 09.10.2023 whereas statements of the parties in the remaining two petitions bearing No. CRM-M-12035-2015 and CRM-M-37842-2015 qua compromise (executed on 11.11.2022) had been recorded by the trial Court on 09.11.2023.

4. Learned counsel for the petitioners have submitted that the parties by making amicable settlement have resolved their *inter se* dispute and therefore, it is submitted by them that the quashing of the aforementioned complaint and the proceedings emanating therefrom, deserve to be allowed as the continuation of thereof would be a futile exercise.

5. This Court vide order dated 06.10.2023 passed in CRM-M-49070-2023 and orders dated 02.11.2023 passed in CRM-M-12035-2015 and CRM-

M-37842-2015, respectively had given directions to the parties to appear before learned trial Court for recording their statements.

6. Pursuant to the aforesaid orders, the Judicial Magistrate Ist Class has sent reports dated 17.10.2023 and 10.11.2023 respectively, to this Court along with of the statements of respondent No.2- Shilpa and joint statements of the petitioners recorded on 09.10.2023 and on 09.11.2023, respectively.

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioners, there is no other accused in the complaint and that the accused have not been declared proclaimed persons in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal

proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466*.

10. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners by quashing of the complaint bearing No.60/06.06.2014 (COMI/498/2014) and summoning orders dated 27.11.2014 would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the complaint No.60/06.06.2014 (COMI/498/2014) titled as *Shilpa vs. Davinder Kumar Wadhawan and Others*, as pending before the Court of learned Judicial Magistrate Ist Class, Ludhiana, summoning order dated 27.11.2014 and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of compromise.

11. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

14.11.2023

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(MANISHA BATRA)
JUDGE

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