

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.265

CRM-M-52968-2022

Date of decision : 19.01.2023

Vijender Kumar and others

.....Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.AK Garg, Advocate for the petitioner(s)

Mr.Kamalpreet Bawa, AAG, Punjab

Mr.Ankush Rampal, Advocate for

Mr.Kushagra Mahajan, Advocate for respondent Nos. 2 and 3

AMAN CHAUDHARY, J.

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.0102 dated 31.05.2020, registered Sections 353, 186, 341, 342, 506, 294, 427, 149 IPC at Police Station Focal Point, District Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom, in view of the compromise deed dated 23.08.2022, Annexure P-2 reached between the parties.

Notice of motion was issued on 22.11.2022 and both the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements in the context of genuineness of the compromise. He/She was also directed to submit its report accordingly.

Pursuant to the aforesaid order, report dated 12.01.2023 has been received from the Judicial Magistrate, 1st Class, Ludhiana. 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 without any coercion or undue influence and has been genuinely and voluntarily arrived at. It is also stated in the report that the petitioners is neither involved in any other case nor have been declared proclaimed offender.

Heard and perused.

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. A part of para 57 of the said judgment as relatable to this case 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. xx xx xx”

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.

In the case of **Vinod @ Boda and others versus State of Haryana and another** 2017(1) R.C.R. (Criminal) 571, the Division Bench of this Court framed the following question and answered thus:-

"Whether the offences under Sections 353, 186 and 332 of the Indian Penal Code against the accused-petitioners can be quashed on the basis of compromise with the complainant- public servant?"

The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 Cr.P.C and pass an appropriate order so as to secure the ends of justice.

The doubt has been expressed by the learned Single Judge whether in exercise of inherent power under Section 482 CrPC criminal proceedings on the basis of compromise entered between the parties where the offence is against the public servant can be quashed or not by the High Court is the issue before us.

The magnitude of inherent jurisdiction exercisable by the High Court with a view to prevent the abuse of law or to secure the ends of justice, is wide enough to include its power to quash the proceedings in relation to the non-compoundable offences including the ones involved in the present case notwithstanding the bar under Section 320 CrPC. Such a power, in our considered view, is exercisable by the High Court in all those circumstances where the conclusion of trial would ultimately result into futility."

In CRM-M-54507-2019 titled as **Charanjit Singh Sandhu and another vs. State of Punjab and another**, decided on 15.07.2022, this Court has held thus:-

"Since the offences under Sections 332, 353, 186 and 295-A of IPC, do not, prima facie, appear to be so grave, and, nor are so heinous, so as to attract the rigour of the embargo (supra) foisted upon the High Court in verdict (supra). Therefore, the settlement/compromise, as validly entered into, enjoins its being revered. Consequently, even if the afore offence is non-compoundable, this Court does not deem it fit to accept the contention(s) of the learned State counsel, that this Court, may not through recouring the mandate of Section 482 Cr.P.C., quash the FIR, especially when after filing of the report under Section 173 Cr.P.C., the prosecution evidence has not commenced. In aftermath when rather thereupons,

the chances of the petitioner being convicted are remote as well as bleak. In sequel, the ordering for the trial of the accused, would result in harassment and humiliation, being caused to the accused, besides would defeat the ends of justice.”

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.

In view of the facts and circumstances of the case and the judgments as referred to hereinabove above, this Court is of the opinion that no useful purpose would be served in continuing the proceedings and accordingly, the present petition is allowed and FIR No.0102 dated 31.05.2020, registered Sections 353, 186, 341, 342, 506, 294, 427, 149 IPC at Police Station Focal Point, District Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom, are quashed qua the petitioner(s).

19.01.2023
gsv

(AMAN CHAUDHARY)
JUDGE

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