

219-2

2023:PHHC:073641

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

CRM-M-56650-2022

DECIDED ON: 19.05.2023

ABHISHEK KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Manoj R. Sharma, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 0198, dated 09.09.2022 (Annexure P-1), under Sections 419, 420, 467, 471 and 120-B IPC and Section 67 IT Act, 2000, registered at Police Station City Gurdaspur, District Gurdaspur along-with all the subsequent proceedings arising therefrom, on the basis of compromise dated 20.11.2022 (P-2).

During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of FIR.

Vide order dated 10.01.2023 parties were directed to appear before the Illaqa Magistrate/Trial Court for recording of their statements and report with regard to the genuineness of the compromise was called for.

The report dated 04.03.2023 has been received from Chief Judicial Magistrate Gurdaspur wherein it has been stated that petitioner-accused did not turn of to suffer statement and on 03.03.2023 complainant-Udem Singh appeared and suffered a statement that the petitioner has not

complied with the terms and conditions of the compromise.

Vide order dated 20.03.2023 on joint request of parties the matter was referred to the Mediation and Conciliation Centre of this Court, as there were chances of an amicable settlement between the parties and parties were directed to appear before the centre on 29.03.2023. A report dated 18.04.2023 has been received from the Mediator stating that the parties have settled their dispute by way of an amicable settlement/agreement.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever- lasting

congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303**'. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

In view of above, FIR No. 198 dated 09.09.2022 (Annexure P-1), under Sections 419, 420, 467, 471, 120-B IPC and Section 67 IT Act, 2000 registered at Police Station City Gurdaspur, District Gurdaspur with all consequential proceedings arising therefrom, is quashed qua the petitioners, on the basis of settlement arrived at between the parties before the Mediation and Conciliation Centre.

The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

19.05.2023

Sham

Whether speaking/reasoned Yes/No

Whether reportable Yes/No