

CRM-40341-2022 in/and
CRM-M-51801-2019

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2023:PHHC:111275

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115+266

CRM-40341-2022 in/and
CRM-M-51801-2019

Date of Decision: 23.08.2023

Raj Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. P.S. Kanwar, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Amit Arora, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-40341-2022

Application is allowed as prayed for.

Copy of statement of complainant/respondent No. 2 dated 09.01.2019 and cross-examination dated 05.03.2019 are taken on record as Annexures P-5 and P-6, respectively, subject to all just exceptions.

CRM-M-51801-2019

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of Criminal Complaint RBT No. 105/2014 dated 22.05.2014 (Annexure P-1) under Sections 342, 363, 366, 372, 506, 496 and 120-B IPC and all the consequential proceedings arising therefrom including summoning order dated 26.02.2016 (Annexure P-2) and order dated 01.07.2017 (Annexure P-3) declaring the petitioners as

proclaimed offenders, on the basis of compromise deed dated 20.09.2019 (Annexure P-4).

Pursuant to the order dated 23.01.2020 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional District and Sessions Judge, Tarn Taran, to get their statements recorded. Learned Additional District and Sessions Judge, Tarn Taran, has submitted his report along with copies of statements of the parties vide letter dated 17.03.2020 duly forwarded by the learned District and Sessions Judge, Tarn Taran.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has submitted that as per report, there are only four accused/petitioners herein arrayed in the present complaint.

Learned State counsel has stated that he has no objection in case the present complaint is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the concerned Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that

in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052***, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is 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 Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543***, had also 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 is reproduced herein-below:-

“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.”

In view of what has been discussed here-in-above, this petition is allowed and Criminal Complaint RBT No. 105/2014 dated 22.05.2014 (Annexure P-1) under Sections 342, 363, 366, 372, 506, 496 and 120-B IPC and all the consequential proceedings arising therefrom including summoning order dated 26.02.2016 (Annexure P-2) and order dated 01.07.2017 (Annexure P-3) declaring the petitioners as proclaimed offenders, on the basis of compromise, are ordered to be quashed qua the petitioner.

23.08.2023
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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No