

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

[277]

**CRM-M-1665-2023
Decided on :28.02.2023**

Baaj Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. Tarun Jhatta, Advocate for the petitioners.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Divij Datt, Advocate for respondents No.2 & 3.

AMAN CHAUDHARY, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing FIR No.40, dated 17.03.2021, under Sections 307, 323, 379-B, 148, 149 of Indian Penal Code (Sections 324 and 325 IPC added later on), registered at Police Station City Fazilka, District Fazilka on the basis of affidavit dated 30.04.2021 (Annexure P-2) whereas during investigation Sections 307, 379-B and 324 IPC were deleted vide Rapat No.28 dated 22.05.2022 and all subsequent proceedings arising therefrom on the basis of the compromise.

Learned counsel for the petitioners submits that though the FIR was initially registered under Sections 307, 324 and 379-B IPC besides other Sections as mentioned in the head-note, however, the said three Sections 307, 324 and 379-B IPC have since been deleted vide rapat No.28 dated 22.05.2022.

On 13.01.2023, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise. The trial Court was also directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid orders, report dated 19.04.2022 has been received from the Chief Judicial Magistrate, Fazilka through District and Sessions Judge, Fazilka. 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 genuine, without any undue influence and coercion. It is stated in the report that none has been declared as proclaimed offender in this case.

I have heard learned counsel for the parties and have also gone through the case file.

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.

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”

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.

Resultantly, the present petition is allowed and FIR No.40, dated 17.03.2021, under Sections 307, 323, 379-B, 148 and 149 of Indian Penal Code (Sections 324 and 325 IPC added) whereas Sections 307, 379-B and 324 IPC deleted later on, registered at Police Station City Fazilka, District Fazilka, including all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 30.04.2021 (Annexure P-2), are quashed qua the petitioners.

[AMAN CHAUDHARY]
JUDGE

28.02.2023
Anjal

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No