

CRM-M-1081-2024

-1-

2024:PHHC:060381

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226

CRM-M-1081-2024

Date of Decision: 02.05.2024

Sahil @ Mohammad Sahid and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gurbir Singh Sidhu, Advocate for the petitioners.

Ms. Aakansha Gupta, A.A.G., Punjab.

Mr. Mohit Kumar, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0317 dated 29.10.2023 registered under Sections 452, 324, 323, 427, 354-B, 148, 149 of Indian Penal Code, 1860 at Police Station City Kharar, SAS Nagar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 22.12.2023 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 15.01.2024 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate, 1st Class, Kharar, to get their statements recorded. Learned Judicial Magistrate, 1st Class, Kharar, has submitted her report along with copies of statements of the parties vide letter dated

26.04.2024 duly forwarded by the learned District and Sessions Judge, SAS Nagar on 29.04.2024.

A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be without any pressure, coercion, threat or undue influence. It is further stated therein that eight accused-persons were named in the FIR. Later on, only two accused persons; who are the present petitioners; were nominated by name, whereas other six persons were arrayed as unknown persons in the present case. There is no other criminal case pending against the parties.

Learned counsel for the petitioners submits that as per report, initially eight persons were named in the FIR. However, the challan stands presented against the present petitioners only and they have never been declared as proclaimed offenders.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioners.

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

After perusing the report submitted by the learned Judicial Magistrate, 1st Class, Kharar, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3. 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 here-in-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 FIR No. 0317 dated 29.10.2023 registered under Sections 452, 324, 323, 427, 354-B, 148, 149 of Indian Penal Code, 1860 at Police Station City Kharar, SAS Nagar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of

compromise dated 22.12.2023 (Annexure P-2) are ordered to be quashed
qua the petitioners.

02.05.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No