

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

297

CRM-M No.1640 of 2024
Date of decision: 14.03.2024

YASHPAL SINGH ALIAS JASPAL SINGH Petitioner

Versus

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rituraj Singh, Advocate for the petitioner.

Mr. Satjot Singh, A.A.G., Punjab.

Mr.Prabhdeep Bhandari, Advocate for respondent No.2.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of complaint No.51 of 2015 dated 18.02.2015 under Sections 406, 498-A and 34 of IPC registered at Police Station Bhikhwind, District Tarn Taran (Annexure P-1), summoning order dated 03.02.2016 (Annexure P-2) as well as order dated 28.02.2018 passed by the Judicial Magistrate Ist Class, Patti (Annexure P-3) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 17.10.2023 (Annexure P-4).
2. The aforementioned complainant had been lodged by respondent No.2/complainant.
3. It is submitted by the counsel for the petitioners that a compromise has been arrived at between the parties and they have resolved their *inter se* dispute, which was reduced into writing as compromise dated 17.10.2023 annexed with the present petition as Annexure P-4.

4. On the basis of said compromise, the petitioners have prayed for quashing of the aforesaid complaint as well as summoning order dated 03.02.2016 and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

5. This Court vide order dated 12.01.2024 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court was also directed to send his/her report along with the said statements.

6. Pursuant to the aforesaid order, the Judicial Magistrate Ist Class, Patti has sent copy of report vide endorsement No.228 dated 06.03.2024 to this Court along with photocopies of the statement of respondent No.2/complainant-Simrantjit Kaur and statement of petitioner/accused recorded on 12.02.2024. However, vide order dated 12.02.2024 direction was given to the Illaqa Magistrate to record the statement of the Investigating Officer also but no such statement is shown to be recorded by him. Though, the same is non-compliance of directions issued by this Court on the part of the concerned Court, however, keeping in view the fact that the parties have entered into a compromise at the stage when criminal appeal against the judgment and conviction is pending, therefore, recording of statement of the Investigating Officer can be dispensed with and it is ordered accordingly. **However, a copy of this order may be sent to the concerned Magistrate to bring into notice the lapse on his part.**

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the

report that apart from the petitioner, there is one more accused in the complaint who had been acquitted by the trial Court and that the accused has not been declared proclaimed person in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***.

10. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners by quashing of the complaint bearing complaint No.51 of 2015 dated 18.02.2015 and summoning order dated 03.02.2016 would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the complaint No.51 of 2015 dated 18.02.2015, summoning order dated 03.02.2016 as well as judgment dated 28.02.2018 (Annexure P-3), whereby the petitioner was held guilty and convicted and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of compromise.

11. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

(MANISHA BATRA)
JUDGE

14.03.2024
Jyoti-IV

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