IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

258 CRM-M-6145-2024

Date of Decision: 14.08.2024

Raja Singh @ Raj Kumar and others …. Petitioners

Versus

State of Punjab and another .... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.S. Sandhu, Advocate for the petitioners
(through Video Conferencing).

Ms. Rishu Madan, AAG, Punjab.

Ms. Surbhi Yadav, Advocate for
Ms. Jagdeep Kaur, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 93 dated 17.05.2020 (Annexure P-1) registered under Sections 452, 323, 354, 34 IPC (Section 12 of the Protection of Children from Sexual Offences Act, 2012, added later on) at Police Station Lambi, District Sri Muktsar Sahib and all consequential proceedings arising therefrom, on the basis of compromise deed dated 31.05.2023 (Annexure P-2), arrived at between the parties.

Pursuant to the order dated 05.02.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Malout, to get their statements recorded. Learned Judicial Magistrate Ist Class, Malout, has submitted her report along with copies of statements of the parties vide letter dated 16.05.2024 duly forwarded by the learned

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District and Sessions Judge, Sri Muktsar Sahib.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared before the learned trial Court and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioners, *inter alia,* submits that the petitioners and respondent No. 2/complainant/alleged victim are neighbours and a minor dispute arose between the parties at the time when mother of the alleged victim was making food in the house of the petitioners. It is submitted that the only allegation levelled against the petitioners is that they have beaten and molested respondent No. 2. There is no medical record in support of the version of the victim. It is further submitted that even as per version in the FIR, nothing wrong has been done to the mother of the victim. Now, in order to live peacefully, parties have entered into compromise dated 31.05.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

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 Ist Class, Malout, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. Since the

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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*

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abuse of the process of any Court."

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 93 dated 17.05.2020 (Annexure P-1) registered under Sections 452, 323, 354, 34 IPC (Section 12 of the Protection of Children from Sexual Offences Act, 2012, added later on) at Police Station Lambi, District Sri Muktsar Sahib and all consequential proceedings arising therefrom, on the basis of compromise deed dated 31.05.2023 (Annexure P-2), arrived at between the parties, are ordered to be quashed qua the petitioners.

14.08.2024 **(NIDHI GUPTA)**
rishu **JUDGE**

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

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