

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7570-2023

Date of Decision: 10.04.2024

Fatehsaket Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sukhbir Maandi, Advocate for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

Mr. J.S. Mahal, 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. 43 dated 09.06.2022 registered under Section 366 IPC at Police Station Harike, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.11.2022 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 14.02.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Patti, to get their statements recorded. Learned Judicial Magistrate Ist Class, Patti, has submitted his report along with statements of the parties vide letter dated 31.03.2023 duly forwarded by the learned District and Sessions Judge, Tarn Taran.

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 made with their free will and without any undue influence and pressure or coercion. It has also been reported that in the present case, there are total 04 accused i.e. the present petitioners and the 4th one, namely, Karan S/o Duputy. Further, though accused No. 4/Karan was a party to the compromise (Annexure P-2), but he was not arrayed as petitioner in the present case.

Learned counsel for the petitioners submits that the matter has been amicably settled between the parties vide compromise dated 25.11.2022 (Annexure P-2). Further, it is submitted that the present FIR was lodged against 04 persons i.e. the present petitioners, namely; Fatehsaket Singh S/o Bhupinder Singh, Raghubir Singh S/o Harpal Singh and Sukhdev Singh @ Sajjan Singh S/o Hari Singh; and the 4th accused is Karan S/o Duputy, who is not a party in the present case, though, he was party to the compromise (Annexure P-2). It is further submitted that the petitioners herein have never been declared as proclaimed offender(s).

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, Patti, this Court finds that the matter has been amicably settled between the petitioners and respondent 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. 43 dated 09.06.2022 registered under Section 366 IPC at Police Station Harike, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.11.2022 (Annexure P-2), are ordered to be quashed qua the petitioners, namely; Fatehsaket Singh, Raghubir Singh and Sukhdev Singh @ Sajjan Singh, only.

10.04.2024

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(NIDHI GUPTA)

JUDGE

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