

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

254

CRM-M-8168-2024

Date of Decision: 29.07.2024

Shahdin @ Sapahia and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ritesh Pandey, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

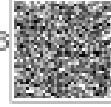
Mr. Aazam Khan, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 470 dated 07.11.2023 (Anenxure P-1) registered under Sections 363, 366, 506, 148 and 149 IPC {Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short- 'the POCSO Act') deleted later on} at Police Station Goindwal Sahib, District Tarn Taran and all consequential proceedings arising therefrom, on the basis of compromise dated 29.01.2024 (Annexure P-2), entered into between the parties.

Pursuant to the order dated 14.05.2024 passed by this Court, the parties have appeared before the learned Sub Divisional Magistrate, Khadur Sahib, Tarn Taran (Punjab), to get their statements recorded.

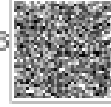
Learned Sub Divisional Magistrate, Khadur Sahib, Tarn Taran (Punjab)



has submitted her report along with statements of the parties vide letter dated 31.05.2024 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 before the learned Sub Divisional Magistrate, Khadur Sahib, Tarn Taran (Punjab) 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 submits that as the alleged victim/respondent No. 3 herein was found to be major; hence offence under Section 4 of the POCSO Act was deleted later on. It is further submitted that the petitioners have been falsely implicated in the present case on the basis of statement of the father of the victim/complainant/respondent No. 2 herein. It is stated that victim was never kidnapped by the petitioners and the present FIR came to be registered on the basis of a misapprehension on the part of the complainant/respondent No. 2. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 29.01.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is submitted that only the present petitioners were named in the FIR. It is further submitted that the petitioners have never been declared as proclaimed offenders



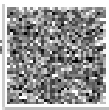
Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioners.

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

After perusing the report submitted by the learned Sub Divisional Magistrate, Khadur Sahib, Tarn Taran (Punjab), 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. 470 dated 07.11.2023 (Anenxure P-1) registered under Sections 363, 366, 506, 148 and 149 IPC (Section 4 of the POCSO Act deleted later on) at Police Station Goindwal Sahib, District Tarn Taran and all consequential proceedings arising therefrom, on the basis of compromise dated 29.01.2024 (Annexure P-2), entered into between the parties, are ordered to be quashed qua the petitioners.

29.07.2024
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(NIDHI GUPTA)
JUDGE

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