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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11013-2022

Date of decision: 5th January, 2024

Gourav Kumar @ Golu

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Saini, Advocate for the petitioner(s)
Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.
Mr. Prateek Sharma, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No. 276 dated 11.09.2021 registered under Sections 363, 366 of Indian Penal Code, 1860 at Police Station Dera Bassi, District SAS Nagar, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 14.09.2021 (Annexure P-2).

- 2 . The aforementioned FIR had been lodged by respondent No.2/complainant and investigation was commenced thereon.
3. It is submitted by counsel for the petitioner 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/affidavit dated 14.09.2021 annexed with the present petition as Annexure P-2.
4. On the basis of said compromise, the petitioner has prayed for

quashing of the aforesaid FIR and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

5. On 30.11.2023, an order was passed for recording statement of the victim. However, since the victim is stated to be a minor complainant i.e.

5. This Court vide order dated 31.10.2023 had directed the parties to appear before the Illaqa/Duty Magistrate for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The Illaqa/Duty Magistrate was also directed to send his/her report along with the said statements.

6. Pursuant to the aforesaid order, The Additional District and Sessions Judge, SAS Nagar (Mohali) has sent report vide endorsement No. 512 dated 08.11.2023 to this Court alongwith the photocopies of the statements of respondent No.2-Jarnail Singh, petitioner and Investigating Officer SI-Balbir Singh as recorded on 03.11.2023.

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(s), there is no other accused in the FIR 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. Such power is not confined to matrimonial disputes alone. 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 relating to offences arising out of matrimony relating to dowry etc. or the family disputes 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 petitioner by quashing of

the FIR 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 FIR No. 276 dated 11.09.2021 registered under Sections 363, 366 of Indian Penal Code, 1860 at Police Station Dera Bassi, District SAS Nagar, Punjab (Annexure P-1) and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner on the basis of compromise dated 14.09.2021 (Annexure P-2).

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.

5th January, 2024

Parveen Sharma

1. Whether speaking/ reasoned

2. Whether reportable

[MANISHA BATRA]

JUDGE

:

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Yes / No

Yes / No