



252 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11180-2024

Date of Decision: 09.09.2024

GURPREET SINGH @ GOPI AND OTHERS

...Petitioners

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE NIDHI GUPTA

Present: Mr. Kamal Gupta, Advocate
 for the petitioners.

Ms. Aakansha Gupta, AAG, Punjab.

Mr. Abhimanyu Bishnoi, Advocate for
Mr. Pranshull Dhull, Advocate
for respondent nos. 2 & 3.

NIDHI GUPTA, J. (Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C.
is for quashing of FIR No. 08 dated 10.01.2015 (Annexure P-1) registered
under Sections 452, 354 and 323 read with Section 34 IPC at Police
Station Sadar Tarn Taran, District Tarn Taran and all the consequential
proceedings arising therefrom on the basis of compromise dated
25.12.2023 (Annexure P-4) effected between the parties.

2. Pursuant to the order dated 04.03.2024 passed by this Court,
the parties have appeared before the learned Additional Chief Judicial
Magistrate, Tarn Taran, to get their statements recorded. Additional Chief
Judicial Magistrate, Tarn Taran, has submitted his report along with copies
of statements of the parties vide letter dated 06.05.2024.



3. A perusal of the above said report would show that the petitioners and respondent Nos. 2 & 3 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.

4. Learned counsel for the petitioners, *inter alia*, submits that in the present case, respondent No. 2 is the victim and respondent No. 3 is the complainant. It is submitted that both the parties were known to each other as they are neighbours. It is further submitted that vide orders dated 06.12.2022 and 27.03.2023 (Annexures P-2 and P-3, respectively), all the petitioners were declared as proclaimed offenders by the learned trial Court and later on, were arrested in the present case on 18.01.2024. Learned counsel submits that due to some misunderstanding, respondent No. 3/complainant had lodged the present FIR against the present petitioners. Now, the better sense has been prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 25.12.2023 (Annexure P-4), according to which, both the parties have agreed not to proceed further with the FIR in question.

5. Learned State counsel has stated that she has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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

7. After perusing the report submitted by the learned Additional Chief Judicial Magistrate, Tarn Taran, this Court finds that the matter has



been amicably settled between the petitioners and respondent Nos. 2 & 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.

8. 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.

9. 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.”

10. In view of what has been discussed here-in-above, this petition is allowed and FIR No. 08 dated 10.01.2015 (Annexure P-1)



registered under Sections 452, 354 and 323 read with Section 34 at Police Station Sadar Tarn Taran, District Tarn Taran, and all the consequential proceedings arising therefrom on the basis of compromise dated 25.12.2023 (Annexure P-4) arrived at between the parties, are ordered to be quashed qua the petitioners.

(NIDHI GUPTA)
JUDGE

09.09.2024

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