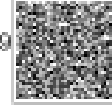


CRM-M-11944-2024

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2024:PHHC:097379



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

250-A

CRM-M-11944-2024

Date of Decision: 31.07.2024

Jit Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Yashasvi Kapila, Advocate for the petitioners.

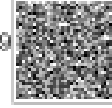
Ms. Rishu Madan, AAG, Punjab.

Mr. Abhimanyu Batra, 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. 44 dated 20.07.2023 (Anenxure P-1) registered under Sections 341, 506 and 427 IPC at Police Station Bholath, District Kapurthala and all consequential proceedings arising therefrom, on the basis of compromise dated 18.01.2024 (Annexure P-3).

Pursuant to the order dated 11.03.2024 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Bholath, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Bholath, has submitted his report along with copies of statements of the parties vide letter dated 20.05.2024 duly forwarded by the learned I/c District and Sessions Judge, Kapurthala.



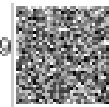
A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared before the learned Sub Divisional Judicial Magistrate, Bholath and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue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

Learned counsel for the petitioners, *inter alia*, submits that this is a case of version and cross-version. Petitioner No. 1 in the present case is the real brother; whereas petitioner No. 2 is the sister-in-law (*bhabhi*) of respondent No. 2-complainant. There is property dispute in between both the brothers. Due to some misapprehension on the part of respondent No. 2, the present FIR was lodged against the petitioners. Now, the better sense has been prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 18.01.2024 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

Learned State counsel has stated that she 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 Judicial Magistrate, Bholath, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2. 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. 44 dated 20.07.2023 (Anenxure P-1)

