

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-11934-2024

Date of Decision: 31.07.2024

Amrik Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Abhimanyu Batra, Advocate for the petitioner.

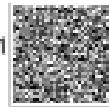
Ms. Rishu Madan, AAG, Punjab.

Mr. Yashasvi Kapila, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of G.D. No. 010 (Cross case in FIR No. 44) dated 01.10.2023 (Annexure P-1) registered under Sections 354, 341, 324, 323 and 34 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 03.05.2024 duly



forwarded by the learned I/c District and Sessions Judge, Kapurthala.

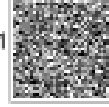
A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned Sub Divisional Judicial Magistrate, Bholath and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue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

Learned counsel for the petitioner, *inter alia*, submits that this is a case of version and cross-version. The petitioner in the present case is the real brother of respondent No. 2-complainant. There is property dispute in between both the brothers. The present GD No. 010 dated 01.10.2023, were registered against the present petitioner, as a counterblast to the FIR No. 0044 dated 20.07.2023 (Annexure P-2) lodged by the petitioner against respondent No. 2-complainant. 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 petitioner.

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 petitioner and respondents No. 2. Since the matter has been settled and the parties have decided to live in

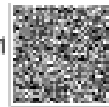


peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

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 G.D. No. 010 (Cross case in FIR No. 44) dated 01.10.2023 (Anenxure P-1) registered under Sections 354, 341, 324, 323 and 34 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), are ordered to be quashed qua the petitioner.

31.07.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No