

CRM-7961-2024 IN/AND
CRM-M-13374-2023(O&M)

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2024:PHHC:031738

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-7961-2024 IN/AND
CRM-M-13374-2023(O&M)
Date of Decision: 05.03.2024

RAJ KUMAR ALIAS RAJU AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Bhupinder Singh, Advocate for the petitioners.

Mr. Satjot Singh, AAG, Punjab.

Mr. Sandeep Sharma, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

CRM-7961-2024

The application has been filed by the petitioners for placing on record amended petition by submitting that during the investigation, offences under Section 354-B, 201 and 458 IPC had been added. So far as the offences punishable under Sections 201, 354-B IPC are concerned, order for adding the same had been passed on the previous date of hearing.

In view of submission so made in the application as filed today, the same is allowed and the amended petition has also been placed on record. The same be tagged at the appropriate place.

Main Case

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.259 dated 30.09.2019 under

Sections 323, 452, 354, 427, 149 of IPC (Section 354-B, 458 AND 201 IPC were added later on) registered at Police Station City, Phagwara (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 01.03.2023 (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 petitioners 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 dated 01.03.2023 annexed with the present petition as Annexure P-2.

4. On the basis of said compromise, the petitioners have 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.

6. Report has been received from Sub-Divisional Judicial Magistrate, Phagwara, as per which, statement of the parties as well as aggrieved persons, the complainant and investigating officer have been recorded though Section 458 IPC has been added by the investigating agency after recording the said statements. However, learned counsel for the complainant has submitted that he has no objection as well as State counsel have submitted that they have no objection if the FIR is quashed without recording fresh statement of the parties.

7. Fresh power of attorney on behalf of respondent no.2 has been filed.

8. This Court vide order dated 20.12.2023 had directed the parties to appear before the Illaqa Magistrate/ Trial Court for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The Illaqa Magistrate/ Trial Court was also directed to send his/her report along with the said statements.

9. Pursuant to the aforesaid order, The Sub Divisional Judicial Magistrate, Phagwara has sent report vide endorsement No.133 dated 25.01.2024 to this Court along with photocopies of the statements of respondent No.2 and joint statement of the petitioners recorded on 23.01.2024 and statement of Investigating Officer ASI-Jaswant Singh as recorded on 23.01.2024.

10. 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 petitioners, there is no other accused in the FIR and that the accused have not been declared proclaimed persons in this case.

11. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

12. 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*.

13. 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 petitioners 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.259 dated 30.09.2019 under Sections 323, 452, 354, 427, 149 of IPC (Section 354-B, 458 AND 201 IPC were added later on) registered at Police Station City, Phagwara (Annexure P-1)and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of compromise dated 01.03.2023 (Annexure P-2).

14. 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.

05.03.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO