

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

261

CRM-M-12622-2024

Date of Decision: 17.07.2024

Deepak Kumar Mishra

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Naresh Prabhakar, Advocate for the petitioner.

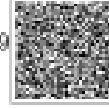
Ms. Rishu Madan, AAG, Punjab.

Ms. Ramandeep Kaur Chahal, 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. 354 dated 21.12.2021 (Annexure P-1) registered under Sections 363 and 366-A IPC at Police Station Focal Point, District Police Commissionerate, Ludhiana and all consequential proceedings arising therefrom, on the basis of affidavit of complainant/respondent No. 2 dated 27.02.2024 (Annexure P-2).

Pursuant to the order dated 12.03.2024 passed by this Court, the parties have appeared before the learned Additional Sessions Judge, Ludhiana, to get their statements recorded. Learned Additional Sessions Judge, Ludhiana, has submitted his report along with statements of the parties vide letter dated 09.04.2024 duly forwarded by the learned



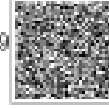
District and Sessions Judge, Ludhiana.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared 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 the present FIR was registered by the father of the victim/respondent No. 2 herein. It is stated that it was submitted by the complainant in the FIR that the victim was 18 years of age at the time of alleged incident and due to misunderstanding the FIR was registered. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise, which is in the shape of affidavit of the complainant/respondent No.2 dated 27.2.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that the petitioner is the only accused in the FIR, who, earlier was declared proclaimed offender, however, he was arrested thereafter on 13.1.2024 and is no more a proclaimed offender. Learned counsel further submits that the petitioner has solemnized the marriage with the victim on 12.1.2022 and two children were born out of the said wedlock.

Learned State counsel has stated that he 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.

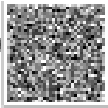


After perusing the report submitted by the learned Additional Sessions Judge, Ludhiana, this Court finds that the matter has been amicably settled between the petitioner and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order 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. 354 dated 21.12.2021 (Annexure P-1) registered under Sections 363 and 366-A IPC at Police Station Focal Point, District Police Commissionerate, Ludhaina and all consequential proceedings arising therefrom, on the basis of affidavit of complainant/respondent No. 2 dated 27.02.2024 (Annexure P-2), are ordered to be quashed qua the petitioner.

17.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No