

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-24244-2016 (O&M)

Date of Decision: April 19, 2024

Davinder Wadhawan

.... Petitioner

Versus

Shilpa

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rishabh Gupta, Advocate for the petitioner.

Mr. Vaibhav Narang, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

1. The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing Crl. Complaint No. 152 dated 09.09.2015 (Annexure P-1) under Sections 452, 354-A, 364, 511, 392, 395, 323, 506, 148 and 149 IPC and summoning order dated 26.05.2016 (Annexure P-2) passed by learned Judicial Magistrate, Ist Class, Ludhiana.
2. Pursuant to the order dated 01.08.2023 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Ludhiana to get their statements recorded. Learned Judicial Magistrate Ist Class, Ludhiana, has submitted her report along with copies of statements of the parties vide letter dated 15.09.2023 duly forwarded by the learned District and Sessions Judge, Ludhiana.
3. A perusal of the above said report would show that the petitioner and respondent have appeared and suffered statements with respect to the compromise, which have been found to be without any pressure, coercion, threat or undue influence.

4. Learned counsel for the petitioner submits that as per report, there are 10 accused including the present petitioner in the present complaint and none of them have been declared as proclaimed offenders.

5. Learned counsel for the respondent has stated that he has 'no objection' in case the present Complaint 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 Judicial Magistrate Ist Class, Ludhiana this Court finds that the matter has been amicably settled between the petitioner and the respondent. 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 Crl. Complaint No. 152 dated 09.09.2015 (Annexure P-1) under Sections 452, 354-A, 364, 511, 392, 395, 323, 506, 148 and 149 IPC and summoning order dated 26.05.2016 (Annexure P-2) passed by learned Judicial Magistrate, Ist Class, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 11.11.2022 effected between the parties are ordered to be quashed qua the petitioner.

April 19, 2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No