

CRM-6501-2024 in/and
CRM-M-14682-2023 **-1-** **2024:PHHC:022824**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

116 CRM-6501-2024 in/and
CRM-M-14682-2023

Date of Decision: 15.02.2024

Harjinder Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amit Arora, Advocate
for the applicant-petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Muskan, Advocate for
Mr. P.S. Kanwar, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

CRM-6501-2024

Prayer in this application filed under Section 482 Cr.P.C. is
for pre-poning the date of hearing in the main petition from 22.03.2024
to an early date.

Heard.

For the reasons mentioned in the application which is
supported by an affidavit, the same is allowed and date of hearing in the
main petition is preponed from 22.03.2024 to today itself.

CRM-M-14682-2023

The petitioners have filed the present petition under Section
482 Cr.P.C., for quashing of FIR No. 0143 dated 03.10.2021

(Annexure P-1) registered under Sections 452, 354, 506, 427, 323, 148 and 149 IPC at Police Station Sirhali, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 20.02.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 23.03.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Tarn Taran, to get their statements recorded. Learned Judicial Magistrate Ist Class, Tarn Tarn, has submitted her report along with statements of the parties vide letter dated 20.04.2023 duly forwarded by the learned District and Sessions Judge, Tarn Taran.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise, which has been found to be genuine and authentic, and has been entered/signed into by the parties with their free will and consent and is not the result of any fraud or misrepresentation.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. Petitioner No. 1 is the husband of respondent No. 3. Now, the matter has been settled between them and they have again started residing together. The petitioners are the only accused in the present case and they have never been declared as proclaimed offenders.

Learned State counsel has stated that he 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 Judicial Magistrate Ist Class, Tarn Tarn, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3. 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 herein-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. 0143 dated 03.10.2021(Annexure P-1) registered under Sections 452, 354, 506, 427, 323, 148 and 149 IPC at Police Station Sirhali, District Tarn Taran, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

15.02.2024
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(NIDHI GUPTA)
JUDGE

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