251/2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15696-2024
Date of Decision : 01.07.2024

Ravel Singh @ Ravail Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ankit Bhinchar, Advocate for
Mr. K.S. Brar, Advocate
for the petitioners.

Mr. Karunesh Kaushal, AAG Punjab

Mr. Rajat Dogra, Advocate
for respondents No. 2 and 3

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 37 dated 29.05.2023, registered under Sections 323, 325, 34 IPC at Police Station Fattu Dhinga, District Kapurthala and all other consequential proceedings arising therefrom on the basis of the compromise dated 18.03.2024.

2. Heard learned counsel for the parties and also gone through the case file.

3. This Court while issuing notice of motion vide order dated 01.04.2024, directed the parties to appear before the trial Court/Illaqa Magistrate for recording their statements with regard to the compromise.

4. Pursuant to the aforesaid order, report dated 18.05.2024 has been received from the Sub Divisional Judicial Magistrate, Sultanpur Lodhi. A perusal of the said report reveals that statements of the concerned persons have been

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recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion. It is stated in the report that there are two accused. None of them has been declared as proclaimed offender and are not involved in any other FIR.

5. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was 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.

6. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had 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 reads thus:-

> *"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.*

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xxx *xxx* *xxx.* ”

7. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

8. Resultantly, the present petition is allowed and FIR No. 37, dated 29.05.2023, registered under Sections 323, 325, 34 IPC at Police Station Fattu Dhinga, District Kapurthala and all other consequential proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise dated 18.03.2024.

(KIRTI SINGH)
JUDGE

01.07.2024
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

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