

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

272

CRM-M-19063-2024

Date of Decision: 01.08.2024

Abhishek Verma @ Abhi

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Interjeet Singh, Advocate for the petitioner.

Ms. Rishu Madan, AAG, Punjab.

Mr. Jamshed Ahmad, 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. 687 dated 23.08.2021 (Annexure P-1) registered under Sections 376/511 IPC (deleted) and charges were framed under Sections 354 and 354 A IPC at Police Station City Yamuna Nagar, District Yamuna Nagar and all consequential proceedings arising therefrom, on the basis of compromise dated 24.08.2023 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 19.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri to get their statements recorded. Learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, has submitted her report along with statements of the parties vide letter dated



06.06.2024 duly forwarded by the learned District and Sessions Judge, Yamuna Nagar.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned trial Court 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 in the present FIR two persons were named as accused, the same being the present petitioner and his wife. As per the allegations, the petitioner and his wife gone to the house of the complainant, whereupon an altercation took place between them and it is alleged that the petitioner has committed wrong act with the complainant. Learned counsel submits that upon investigation, the allegations made against the wife of the petitioner were found false and accordingly the challan has been presented only against the present petitioner. It is further stated that the petitioner used to run a mobile phone shop and as per the FIR, the complainant came to his shop and got a mobile phone for her son. It is submitted that the petitioner was acquainted with the father of the complainant and accordingly gone to their house in this connection and thereafter the misunderstanding took place. It is stated that now the misunderstanding between the parties has been cleared and the parties have entered into compromise dated 24.08.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It



is further submitted that the petitioner has never been declared as proclaimed offender.

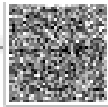
Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, 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. 687 dated 23.08.2021 (Annexure P-1) registered under Sections 376/511 IPC (deleted) and charges were framed under Sections 354 and 354 A IPC at Police Station City Yamuna Nagar, District Yamuna Nagar and all consequential proceedings arising therefrom, on the basis of compromise dated 24.08.2023 (Annexure P-2) arrived at between the parties, are ordered to be quashed qua the petitioner.

01.08.2024
rishu

(NIDHI GUPTA)
JUDGE

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