



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-28495-2024 (O&M)

Date of Decision:03.10.2024

Gurdev Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kamal Narula, Advocate for the petitioners.

Ms. Rishu Madaan, A.A.G., Punjab.

Mr. Munish Gulati, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Petitioners, who are the husband and parents-in-law of the complainant/respondent No.2 herein have filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 44 dated 08.04.2017 (Annexure P-1) registered under Sections 323/506/148/149 IPC (later on added Section 406/498-A IPC) at Police Station Guruharshai, District Ferozepur as well as order dated 01.08.2023 passed by learned Sub Divisional Judicial Magistrate, Guruharshai, District Ferozepur (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2024 (Annexure P-3) arrived at between the parties.

Pursuant to the order dated 31.05.2024 passed by this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate Guruharsahai to get their statements recorded. Learned Sub Divisional



Judicial Magistrate Guruharsahai has submitted her report along with statements of the parties vide letter dated 11.09.2024 duly forwarded by the learned District and Sessions Judge, Ferozepur on 17.09.2024.

A perusal of the above said report that total 6 persons were arrayed as accused. However, only 3 accused/petitioners herein have been convicted vide order dated 01.08.2023 passed by learned Sub Divisional Judicial Magistrate, Guruharsahai, whereas the remaining 3 accused have been acquitted. The petitioners and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be genuine, voluntarily and without any coercion and out of their free will. There is no other criminal case/FIR registered against the present petitioners. The petitioners have never been declared as proclaimed offenders. The petitioners and respondent No.2 are the only party to the compromise.

The Hon'ble Supreme Court in ***Ram Gopal and Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322;*** and a Division Bench of this Court in ***Sube Singh Vs. State of Haryana 2013(4) RCR (Criminal) 102,*** have held that the power of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage.

Learned State counsel as well as learned counsel for respondent No.2 have stated that they have 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 Sub Divisional Judicial Magistrate, Guruharsahai, this Court finds that the matter has been amicably settled between the petitioners 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. 44 dated 08.04.2017 (Annexure P-1) registered under Sections 323/506/148/149 IPC (later on added Section 406/498-A IPC) at Police Station Guruharshai, District Ferozepur as well as order dated 01.08.2023 passed by learned Sub Divisional Judicial Magistrate, Guruharshai, District Ferozepur (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2024 (Annexure P-3), are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

03.10.2024 Divyanshi	(NIDHI GUPTA) JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No