



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-28709-2024 (O&M)
Date of Decision: 03.10.2024

Rohit Kumar and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate for the petitioners.

Ms. Rishu Madan, A.A.G., Punjab.

Ms. Harita Panthey, Advocate for respondents No.2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the instant petition under Section 482 Cr.P.C. is for quashing of FIR No. 109 dated 27.07.2018 (Annexure P-2) registered under Sections 452, 506, 509, 34, 354, 354-A, 354-D IPC (354, 354-A, 354-D IPC were added subsequently) at Police Station Gidderbaha, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom on the basis of compromise dated 22.05.2024 (Annexure P-1) 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, Gidderbaha, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Gidderbaha, has submitted his report along with statements of the parties vide letter dated 22.08.2024 duly forwarded by the learned District and Sessions Judge, Sri Muktsar Sahib on 27.08.2024.



A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence. There is no other criminal case pending against the petitioners. The petitioners have never been declared as proclaimed offenders.

Learned counsel for the petitioners, *inter alia*, submits that the complainants/respondents No. 2 and 3 herein are the doctors and the petitioners were visiting patients of the complainants. It is stated that the present FIR came to be registered due to some misunderstanding between the parties. Now better sense has prevailed between the parties and in order to live peacefully, all disputes stand settled by way of compromise dated 22.05.2024 (Annexure P-1) according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that the petitioners have never been declared as proclaimed offenders. The petitioners and respondents No.2 and 3 are the only party to the compromise.

Learned State counsel as well as learned counsel for respondents No.2 and 3 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, Gidderbaha, 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 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. 109 dated 27.07.2018 (Annexure P-2) registered under Sections 452, 506, 509, 34, 354, 354-A, 354-D IPC (354, 354-A, 354-D IPC were added subsequently) at Police Station Gidderbaha, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom on the basis of compromise dated 22.05.2024 (Annexure P-1), 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
Whether Reportable**

**Yes/No
Yes/No**