

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-36841-2021

Date of Decision: 22.04.2024

Parvej Masih and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Deepak Arora, Advocate for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

Mr. G.S. Rawat, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0028 dated 11.10.2016 (Annexure P-1) registered under Sections 354 and 354-B read with Section 34 IPC at Police Station Dorangla, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise dated 27.08.2021 (Annexure P-2) arrived at between the parties.

Pursuant to the orders dated 07.09.2021 and 18.01.2023, passed by co-ordinate Benches of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Gurdaspur, to get their statements recorded. Learned Judicial Magistrate Ist Class, Gurdaspur, has submitted his report along with statements of the parties vide letter dated 22.03.2023 duly forwarded by the learned District and Sessions Judge, Gurdaspur.

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 have been found to be genuine, voluntary and the same has been effected with free will of the parties.

Learned counsel for the petitioners, *inter alia*, submits that the complainant/respondent No. 2 lodged the present FIR against the petitioners, on account of some misapprehension. Now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 27.08.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Learned counsel submits that petitioners are the only accused in the present FIR and they are party to the compromise. It is further submitted that the petitioners have never been declared as proclaimed offender(s).

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, Gurdaspur, 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. 0028 dated 11.10.2016 (Annexure P-1)

registered under Sections 354 and 354-B read with Section 34 IPC at Police Station Dorangla, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise dated 27.08.2021 (Annexure P-2), are ordered to be quashed qua the petitioners.

22.04.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No