



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235-3

CRM-M-42017-2021 (O&M)

Date of Decision:02.08.2024

Malkeet Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Monika Bimbora, Advocate for
Ms. Nirmal Kaur, Advocate for the petitioners.

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

Mr. Navraj Singh, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 26 dated 17.02.2017 registered under Sections 363, 366 (A), 120B IPC at Police Station Sadar, District Ferozepur (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of Compromise dated 03.03.2021 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners *inter alia submits* that the present FIR has been registered by respondent No.2, who is the father of respondent No.3 herein. It is stated that the said FIR came to be registered as respondent No. 3 ran away with one Surjit Singh (petitioner in CRM-M-16131-2017) and solemnized marriage with him on



13.02.2017. The present petitioners before this Court are the family members of the said Surjit Singh. It is stated that respondent No.3 and said Surjit Singh had also filed a petition bearing No. CRM-M-5267-2017 before this Court and vide order dated 16.02.2017 passed by a Coordinate Bench of this Court, official respondents were directed to protect life and liberty of respondent No. 3 herein and said Surjit Singh from respondent No.2 herein, at the time of issuing notice of motion. It is further informed that now the entire matter stands settled between the parties by way of Compromise dated 03.03.2021 (Annexure P-2). As such, the present petition has been filed before this Court seeking quashing of the above said FIR No. 26 dated 17.02.2017 on the basis of Compromise dated 03.03.2021 (Annexure P-2).

Learned counsel for the State as well as learned counsel for respondents No. 2 and 3 do not dispute the above facts.

Pursuant to the order dated 07.10.2021 passed by a Coordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Ferozepur, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Ferozepur, has submitted his report along with statements of the parties vide letter dated 15.11.2021 duly forwarded by learned District and Sessions Judge, Ferozepur on 18.11.2021.

A perusal of the above said report would show that there were 5 accused named in the present FIR. The petitioners and respondents No. 2 and 3 have appeared and suffered their statements with respect to the compromise, which have been found to be valid,



genuine, voluntary and without any coercion or undue influence. The petitioners have never been declared as proclaimed offenders.

Learned counsel for the State as well as learned counsel for respondents No. 2 and 3 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 Additional Chief Judicial Magistrate, Ferozepur, 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**; FIR No. 26 dated 17.02.2017 registered under Sections 363, 366 (A), 120B IPC at Police Station Sadar, District Ferozepur (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of Compromise dated 03.03.2021 (Annexure P-2), are ordered to be quashed qua the petitioners.

Pending application, if any, stands disposed of.

02.08.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No