

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

279-CRM-M-33798-2023 (O&M)

Date of Decision: 18.01.2024

Jaskaran Singh

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner
Mr. Anmol Singh Sandhu, AAG Punjab
Mr. Vardan Sharma, Advocate for
Mr. MS Johal, Advocate for respondent No.2

Sandeep Moudgil, J. (Oral)

Request for hearing through video conferencing has been received from Ms. Dilmrig Nayani, Advocate, however, during the course of hearing did not connect through VC. This Court, thus, proceeds to decide the case on merits.

This is a petition under Section 482 Cr.P.C. for quashing of case FIR No.91 dated 06.07.2021, under Sections 342, 365, 379-B, 323, 506, 148 and 149 IPC, registered at Police Station Kiratpur Sahib, District Rupnagar and all other subsequent proceedings arising therefrom, on the basis of compromise deed dated 03.07.2023 (Annexure P2) and affidavit dated 04.07.2023 (Annexure P3).

During the pendency of the dispute, the parties have compromised the matter. Vide order dated 09.10.2023, parties were directed to appear before the Illaqa Magistrate/Trial Court and for report with regard to the genuineness of the compromise.

As per the report dated 17.11.2023 from learned JMIC, Sri Anandpur Sahib, the parties have entered into a compromise without any undue influence or pressure.

Status report dated 18.01.2024 has also been filed by Ajay Singh, PPS, DSP, Sri Anandpur Sahib wherein it has been stated that final report under Section 173(2) CrPC was presented on 20.07.2023 and the case is fixed for consideration on framing of charges against Baldev Singh and Gurnam Singh. It is also averred that the alleged compromise has no legal force in view of non-compoundability of offences under Section 365, 397 IPC.

A Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice. The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court

which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another, (2012) 10 SCC 303**'. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641'.

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be wastage of judicial time as there appears to be no chances of conviction.

In view of above, prayer made in the present petition is allowed and the above mentioned FIR (Annexure P1) along with all subsequent proceedings arising therefrom, are quashed *qua* the petitioner in view of the compromise deed and affidavit (Annexures P2 & P3, respectively).

Needless to say that the parties shall remain bound by the terms of the compromise and their deposition made before the Court below.

18.01.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

- Yes/No
- Yes/No