



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

231

CRM-M-33141-2024 (O&M)

Date of Decision:21.11.2024

Harmandeep Singh @ Harman Hundal @ Harry Petitioner

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Harinder Pal Singh Ishar, Advocate for the petitioner.

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

Mr. Dheeraj K. Sharma, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita (BNSS) is for quashing of FIR No.241 dated
21.10.2016 (Annexure P-1) under Sections 354, 354-A, 354-B, 506 and
120-B IPC, registered at Police Station Kotwali Bathinda, District
Bathinda and all subsequent proceedings arising therefrom including the
judgment of conviction and order of sentence dated 06.3.2019 (Annexure
P-2) passed by the learned Judicial Magistrate 1st Class, Bathinda, on the
basis of compromise dated 01.03.2024 (Annexure P-4).

Pursuant to the order dated 15.07.2024 passed by this Court,
the parties appeared before the learned Additional District & Sessions
Judge, Bathinda to get their statements recorded. Learned Additional
District & Sessions Judge, Bathinda has submitted his report along with
statements of the parties vide letter dated 02.08.2024 duly forwarded by



the learned District and Sessions Judge, Bathinda.

A perusal of the above said report shows that the present petitioner has been convicted and sentenced vide judgment and order dated 06.3.2019 passed by the learned Judicial Magistrate 1st Class, Bathinda. The petitioner 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. The petitioner was arrayed as accused in two other FIRs registered at District Patiala i.e. i) FIR No. 403/2015 at Police Station Tripadi; and ii) FIR No. 46/2016 at Police Station Passiana. The petitioner has never been declared as proclaimed offender. The petitioner 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 petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Additional District & Sessions Judge, Bathinda, this Court finds that the



matter has been amicably settled between the petitioner 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.241 dated 21.10.2016 (Annexure P-1) under Sections 354, 354-A, 354-B, 506 and 120-B IPC, registered at Police Station Kotwali Bathinda, District Bathinda and all subsequent proceedings arising therefrom including the judgment of conviction and order of sentence dated 06.3.2019 (Annexure P-2) passed by the learned Judicial Magistrate 1st Class, Bathinda, on the basis of compromise dated 01.03.2024 (Annexure P-4), are ordered to be **quashed** qua the petitioner.

Pending application, if any, stands disposed of.

21.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No