IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(283) **CRM-M NO.34098-2024(O&M)**
DATE OF DECISION: **29.10.2024**

Narinder Singh @ Tidda and others .....Petitioners

VERSUS

State of Punjab and others .....Respondents

CORAM HON'BLE MS.JUSTICE KIRTI SINGH

Present Ms. Ravisha Mahajan, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Ravinder Gill Advocate,
for Mr. D.S.Sidhu, Advocate,
for respondent no.2.
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KIRTI SINGH J, (ORAL)

1. This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.103 dated 17.05.2020 (Annexure P-1) under Sections 323, 325, 148 and 149 of IPC, registered at Police Station Kamboj, District Amritsar Rural along with all consequential proceedings arising therefrom, on the basis of compromise dated 03.06.2020 (Annexure P-2) arrived at between the parties.

2. Heard learned counsel for the parties and also gone through the case file.

3. This Court vide order dated 18.07.2024 and 19.09.2024, directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to the compromise.

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4. Pursuant to the aforesaid orders, report dated 24.10.2024 has been received from the Judicial Magistrate Ist Class, Amritsar. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

5. The Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was 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.

6. Hon'ble the Supreme Court in the case of **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, had 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 reads thus:-

> *"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*

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guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. xxx xxx xxx. "

7. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

8. Resultantly, the present petition is allowed and FIR No.103 dated 17.05.2020 (Annexure P-1) under Sections 323, 325, 148 and 149 of IPC, registered at Police Station Kamboj, District Amritsar Rural along with all consequential proceedings arising therefrom are quashed qua the petitioners, on the basis of compromise dated 03.06.2020 (Annexure P-2), **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh.**

29.10.2024 **(KIRTI SINGH)**
mamta **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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