IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115+222 CRM-M-38090-2024 (O&M)
Date of Decision: 13.12.2024

Harsh Kumar and another .... Petitioners

Versus

State of Punjab and others .... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioners.

Ms. Aakanksha Gupta, A.A.G., Punjab.

Mr. Ajay Singh Pundir, Advocate for respondents No.2 to 4.

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NIDHI GUPTA, J. (ORAL)

CRM-35568-2024

This is an application under Section 482 Cr.P.C. for placing on record the correct vernacular of FIR No. 114 dated 26.07.2020 as Annexure P-1/A (which is already annexed as Annexure P-1 with the above said petition).

Heard.

Application is allowed and the correct vernacular of FIR No. 114 dated 26.07.2020 is taken on record as Annexure P-1/A, subject to all just exceptions. Registry is directed to tag the same at appropriate place.

CRM-M-38090-2024 (O&M)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 114 dated 26.07.2020 (Annexure P-1) under Sections 452, 323, 427, 506, 34 IPC, registered at Police Station City-2,

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Khanna, Police District Khanna, District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise dated 22.07.2024 (Annexure P-2) effected between the parties.

Pursuant to the order dated 08.08.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Khanna to get their statements recorded. Learned Judicial Magistrate 1st Class, Khanna has submitted her report along with statements of the parties vide letter dated 22.10.2024 duly forwarded by the learned District and Sessions Judge, Ludhiana on 23.10.2024.

A perusal of the above said report would show that the petitioners and respondents No.2 to 4 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence. There is no other criminal case pending against the petitioners. The petitioners have never been declared as proclaimed offenders. The petitioners and respondents No.2 to 4 are the only party to the compromise.

Learned counsel for the State as well as learned counsel for respondents No.2 to 4 have stated that they 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 Judicial Magistrate 1st Class, Khanna, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 to 4.

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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

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petition is **allowed;** and FIR No. 114 dated 26.07.2020 (Annexure P-1) under Sections 452, 323, 427, 506, 34 IPC, registered at Police Station City-2, Khanna, Police District Khanna, District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise dated 22.07.2024 (Annexure P-2), are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

13.12.2024 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

Whether speaking/reasoned **Yes/No**
Whether Reportable **Yes/No**

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