



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39214-2024 (O&M)
Date of Decision: 19.10.2024

Gursewak Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. K.B.Raheja Advocate for the petitioners.

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

Mr. Nitin Meel, Advocate for the
complainant/respondent No.2 (through VC).

NIDHI GUPTA, J. (ORAL)

The petitioners have filed instant petition under Section 528 of The Bhartiya Nagarik Suraksha Sanhita is for quashing of FIR No. 161 dated 01.08.2024 under Sections 64, 351(2) & 61 of the BNS 2023, registered at Police Station City Kotkapura, District Faridkot on the basis of Compromise in the shape of Affidavit of respondent No.2 dated 03.08.2024 (Annexure P-2) effected between the parties.

Pursuant to the order dated 13.08.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Faridkot, to get their statements recorded. Learned Judicial Magistrate 1st Class, Faridkot, has submitted her report along with statements of the parties vide letter dated 03.09.2024 duly forwarded by the learned District and Sessions Judge, Faridkot on 04.09.2024.

A perusal of the above said report would show that there are four accused persons arraigned in the FIR. However accused Avneet



Kaur is yet to be arrested as she is residing abroad. The remaining 3 accused/petitioners and respondent No. 2 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 respondent No.2 are the only party to the compromise.

At this stage, learned State counsel points out that the present FIR was registered against 4 accused persons including the present 3 petitioners and one Avneet Kaur. It is submitted that the said Avneet Kaur has not been made party to the present petition.

Learned counsel for the petitioners duly clarifies that as has been stated in para 18, at page 19 of the paper book, the petitioners do not know any lady by the name of Abneet Kaur. It is submitted that even in the FIR, vague allegations have been made against Avneet Kaur and as noted at page 23 of the paper book that Avneet Kaur is a resident of Newzealand, whereas at page 24 of the paper book, it has been stated that Avneet Kaur resident of Amritsar now resident of Newzealand. It is submitted that the petitioners do not know any lady by the name of Avneet Kaur and in this background, the present petition has been filed only by the present 3 petitioners.

Learned counsel for the State 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 petitioners.

This Court has heard the learned counsel for the parties and



has perused the file.

After perusing the report submitted by learned Judicial Magistrate 1st Class, Faridkot, this Court finds that the matter has been amicably settled between the petitioners 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. 161 dated 01.08.2024 under Sections 64, 351(2) & 61 of the BNS 2023, registered at Police Station City Kotkapura, District Faridkot on the basis of Compromise in the shape of Affidavit of respondent No.2 dated 03.08.2024 (Annexure P-2), are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

19.10.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

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