



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237

CRM-M-39632-2024 (O&M)
Date of Decision: 21.11.2024

Malkit Ram and others

....Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Pulkit Kumar, Advocate for the petitioners.

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

Mr. Pankaj Bains, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sahinta, 2023, is for quashing of cross-version registered vide GD No. 053 dated 18.08.2018 (Annexure P-1) registered under Section 323, 324, 452, 34 IPC at Police Station Dasuya, District Hoshiarpur, (in case FIR No. 119 dated 18.08.2018 registered under Sections 323, 324, 354B, 148 and 149 IPC at Police Station Dasuya, District Hoshiarpur) and all the consequential proceedings arising therefrom, on the basis of compromise dated 09.08.2024 (Annexure P-4) effected between the parties.

Pursuant to the order dated 22.08.2024 passed by this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Dasuya, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Dasuya, has submitted her report along



with statements of the parties vide letter dated 23.10.2024 duly forwarded by the learned District and Sessions Judge, Hoshiarpur on 25.10.2024.

A perusal of the above said report would show that the 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. The petitioners have never been declared as proclaimed offenders. The petitioners and respondent No.2 are the only party to the compromise. There is no other criminal case pending against the petitioners.

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 petitioners.

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

After perusing the reports submitted by the learned Sub Divisional Judicial Magistrate 1st Class, Dasuya, 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 cross- version registered vide GD No. 053 dated 18.08.2018 (Annexure P-1) registered under Section 323, 324, 452, 34 IPC at Police Station Dasuya, District Hoshiarpur, (in case FIR No. 119 dated 18.08.2018 registered under Sections 323, 324, 354B, 148 and 149 IPC at Police Station Dasuya, District Hoshiarpur) and all the consequential proceedings arising therefrom, on the basis of compromise dated 09.08.2024 (Annexure P-4), are ordered to be **quashed** qua the petitioners.



Pending application, if any, stands disposed of.

21.11.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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