

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-45251-2023

Date of Decision: 22.03.2024

Partap Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. L.M.Gulati, Advocate for the petitioners.

Mr. S.S.Chahal, AAG, Punjab.

Mr. Satvinder Singh, Advocate
for Mr. Jasneet Mehra, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0175 dated 20.10.2015 (Annexure P-1) registered under Sections 341/354/323/149/34 IPC at Police Station Sadar Amritsar, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 01.09.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 20.10.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Amritsar to get their statements recorded. Learned Additional Chief Judicial Magistrate, Amritsar has

submitted his report along with copies of statements of the parties vide letter dated 08.12.2023 duly forwarded by the learned District and Sessions Judge, Amritsar.

A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 have appeared and suffered statements with respect to the compromise, which have been found to be genuine, voluntarily and without any duress and coercion and out of their free will.

Learned counsel for the petitioners informs that there were total three accused in the matter. However, the third accused namely Manpreet Singh @ SP has been declared as proclaimed offender by the learned trial Court and the remaining two petitioners are before this Court and got their statements recorded.

The Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*, has held that partial quashing of the FIR is permissible on the basis of compromise.

Learned State counsel has stated that he has 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 Additional Chief Judicial Magistrate, Amritsar, this Court finds that the matter has been amicably settled between the petitioners, the respondent No.2/complainant and respondent No.3. 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.”

The High Court of Delhi in *Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another, 2022(2) Cri. CC 179*, has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 0175 dated 20.10.2015 (Annexure P-1) registered under Sections 341/354/323/149/34 IPC at Police Station Sadar Amritsar, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 01.09.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

22.03.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No