



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-47536-2023 (O&M)

Date of Decision: 02.08.2024

Kaka and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Onkar Rai, Advocate for the petitioners.

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

Mr. Jaswinder Singh Rana, 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. 0058 dated 25.05.2023 (Annexure P-1) registered under Sections 323, 341, 365, 506, 149 IPC and Sections 379-B and 354 IPC were added lateron, at Police Station Koom Kalan, District Ludhiana and all consequential proceedings arising therefrom, on the basis of Compromise Deed dated 13.07.2023 (Annexure P-2) executed between the parties.

Pursuant to the orders dated 15.04.2024 and 28.05.2024 passed by a Coordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana to get their statements recorded. Learned Judicial Magistrate 1st Class, Ludhiana has submitted his report along with statements of the parties vide letter dated 24.07.2024 duly forwarded by the learned District & Sessions Judge, Ludhiana on 26.07.2024.



A perusal of the above said report would show that total 7 accused have been arraigned in the present FIR, namely Kaka (petitioner No.1), Mustafa Pamma (petitioner No.2), Imam Hussain (petitioner No.3), Shaka @ Shaak Ali (petitioner No.4), Baro (petitioner No.5), Yameen (died on 02.06.2024) (petitioner No.6) and Barjina (petitioner No.7). The statement of petitioner No.7 has been recorded through Video Conferencing as per order dated 28.05.2024 passed in CRM-23700-2024 in CRM-M-47536-2023. The remaining petitioners (except petitioner No.6, since died) and respondents No. 2 and 3 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.

Learned counsel for the petitioners submits that as per report, the petitioners and respondents No.2 and 3 are the only party to the compromise and have never been declared as proclaimed offenders. They are not involved in any other case.

Learned State counsel has stated that she 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 Judicial Magistrate 1st Class, Ludhiana, 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. 0058 dated 25.05.2023 (Annexure P-1) registered under Sections 323, 341, 365, 506, 149 IPC and Sections 379-

B and 354 IPC were added lateron, at Police Station Koom Kalan, District Ludhiana and all consequential proceedings arising therefrom, on the basis of Compromise Deed dated 13.07.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

Pending application, if any, stands disposed of.

02.08.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

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