



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-54378-2022 (O&M)
Date of Decision: 23.10.2024

Joni Kumar @ Moni Kumar and others

....Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Tarun Sethi, Advocate for the petitioners.

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

Mr. Gagandeep Singh, Advocate for respondents No.2 to 8.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the instant petition under Section 482 Cr.P.C. is for quashing of DDR No. 11 dated 30.07.2016 (Annexure P-2) registered under Sections 323, 324, IPC registered at Police Station Model Town, Ludhiana in FIR No. 141 dated 27.07.2006, under Sections 323, 341, 506, 148, 149, 325, 354 & 452 IPC at Police Station Model Town, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of Compromise dated 21.06.2021 (Annexure P-3) arrived at between the petitioners and respondents No. 2 to 8.

On the last date of hearing i.e. 28.05.2024, following order was passed by this Court:-

“Pursuant to order dated 24.11.2022 passed by a coordinate Bench of this Court, statements of the parties were directed to be recorded before the learned trial Court



qua the genuineness of the compromise dated 26.01.2021 (Annexure P-3). As per the report received from the learned Civil Judge Junior Division-cum-Judicial Magistrate 1st Class, Ludhiana dated 19.01.2023 duly forwarded by the learned District & Sessions Judge, Ludhiana, respondents No. 3 to 5 namely Rustam @ Yakub, Ashok Kumar and Jagroop @ Jubba did not appear before the Court to record their statements. Hence, statements of respondents No. 3 to 5 could not be recorded.

*Learned counsel for the petitioners submits that the FIR No. 141 dated 27.07.2016 under Sections 323, 341, 506, 148, 149, 325, 354, 452 of the Indian Penal Code, 1860 at Police Station Model Town Ludhiana was got registered at the instance of petitioner No.1 namely Joni Kumar @ Moni Kumar against respondents No. 2 to 8, which was quashed on the basis of compromise vide order dated 11.10.2022 passed by a coordinate Bench of this Court in **CRM-M-28457-2021** titled as '**Soni and others vs. State of Punjab and others**'. Subsequently, cross case i.e. DDR No. 11 dated 30.07.2016 under Sections 323, 324 of IPC at Police Station Model Town, Ludhiana was got registered by respondents No. 2 to 8 against the petitioners. By way of the present second petition under Section 482 Cr.P.C., the petitioners are seeking quashing of the said DDR.*

Learned counsel for the petitioners prays that one more opportunity be granted to respondents No. 3 to 5 for recording their statements in terms of order dated 24.11.2022 as due to some misunderstanding, they could not get their statements recorded on the assigned date i.e. 16.12.2022.

In view of the above, one more opportunity is granted to respondents No. 3 to 5 to get their statements recorded.



The respondents No.3 to 5 are again directed to appear before the learned Civil Judge Junior Division-cum-Judicial Magistrate 1st Class, Ludhiana on 14.06.2024 or any other date convenient to the learned trial Court for recording their statements with regard to compromise dated 21.06.2021 (Annexure P-3) subject to costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Lawyers' Welfare Association Fund, Chandigarh, by the petitioners with in a period of one week from today. The learned Civil Judge Junior Division-cum-Judicial Magistrate 1st Class, Ludhiana, shall send fresh report in terms of earlier order dated 24.11.2022, by the next date of hearing i.e. 23.10.2024."

Pursuant to the order dated 28.05.2024 passed by 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 15.06.2024 duly forwarded by the learned District and Sessions Judge, Ludhiana on 03.07.2024.

A perusal of the above said report, as well as earlier report dated 19.01.2023 received from the learned Civil Judge Junior Division-cum-Judicial Magistrate 1st Class, Ludhiana would show that the petitioners and respondents No. 2 to 8 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. However, there are other FIRs bearing No. 147 dated 22.07.2022 under



Section 353/186 IPC and Section 61 of Excise Act pending at P.S. Model Town against Armo (petitioner No.3) and Seeto (petitioner No.4), and other two FIRs i.e. FIR No. 25 dated 02.09.2021 under Section 10 of Railways Act, PS-RPF, Ludhiana and FIR No.26 dated 02.09.2021 under Section 3 of Railways Act, PS-RPF are pending at P.S. Model Town, Ludhiana against respondent No.4-Ashok Kumar.

Learned counsel for the petitioners submits that the petitioners and respondents No.2 to 8 are the only party to the compromise.

Learned State counsel as well as learned counsel for respondents No.2 to 8 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 Civil Judge Junior Division-cum-Judicial Magistrate 1st Class, Ludhiana as well as of learned Judicial Magistrate 1st Class, Ludhiana, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 to 8. 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 DDR No. 11 dated 30.07.2016 (Annexure P-2) registered under Sections 323, 324, IPC registered at Police Station Model Town, Ludhiana in FIR No. 141 dated 27.07.2006, under Sections 323, 341, 506, 148, 149, 325, 354 & 452 IPC at Police Station Model Town, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of Compromise dated 21.06.2021 (Annexure P-3), are ordered to be **quashed** qua the petitioners.



Pending application, if any, stands disposed of.

23.10.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No