

CRM-M-52254-2023 (O&M)

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2024:PHHC:028395

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52254-2023 (O&M)

Date of Decision: 26.02.2024

Gurnam Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ravish Bansal, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Abhinav Jain, Advocate for

Mr. Jaswinder Sharma, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-51765-2023

Application is allowed, as prayed for.

Affidavit of the petitioner filed in compliance of order dated 16.10.2023, passed by a co-ordinate Bench of this Court is taken on record, subject to all just exceptions.

CRM-M-52254-2023

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 81 dated 26.04.2015 (Annexure P-1) registered under Sections 452 and 354A IPC (charges have been framed under Sections 452 and 354 IPC vide charge sheet

dated 07.01.2016) at Police Station Kotwali Faridkot, District Faridkot and all the consequential proceedings arising therefrom, on the basis of compromise dated 04.10.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 16.10.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Chief Judicial Magistrate, Faridkot, to get their statements recorded. Learned Chief Judicial Magistrate, Faridkot, has submitted his report along with statements of the parties vide letter dated 17.11.2023 duly forwarded by the learned District and Sessions Judge, Faridkot.

A perusal of the above said report would show that the petitioner 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 with free consent.

Learned counsel for the petitioner submits that as per report, petitioner is only accused in the FIR and he is party to the compromise and has never been declared as proclaimed offender.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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

After perusing the report submitted by the learned Chief Judicial Magistrate, Faridkot, this Court finds that the matter has been amicably settled between the petitioner 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. 81 dated 26.04.2015 (Annexure P-1) registered under Sections 452 and 354A IPC (charges have been framed under Sections 452 and 354 IPC vide charge sheet dated 07.01.2016) at Police Station Kotwali Faridkot, District Faridkot, are ordered to be quashed qua the petitioner.

26.02.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No