



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-60669-2023

Date of Decision: 28.08.2024

Chamkaur Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. N.P. Chandel, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Ritesh K. Sharma, Advocate for

Mr. Ravinder Singh, 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. 16 dated 25.02.2015 (Annexure P-1) registered under Sections 458, 354, 506, 294, 34 IPC at Police Station Bakshiwal, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise dated 11.10.2023 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners, *inter alia*, submits that as per allegations in the FIR, accused Gurvinder Singh @ Vicky, who died during the trial proceedings, was keeping bad eyes on respondent No. 3/wife of respondent No. 2 and used to talk vulgar language on



telephone. It is stated that on 24.02.2015, aforesaid Gurvinder Singh @ Vicky along with co-accused persons came to the house of the complainant on white colour Maruti Car bearing registration No. PB-03-M-5390 and had given beatings to the complainant and his wife. Learned counsel for the petitioners stated that now better sense has prevailed between the parties and that with the intervention of respectables of the society, the matter stands compromised partially between respondents No. 2 and 3 and the petitioners herein, namely, Chamkaur Singh and Ram Singh, vide compromise dated 11.10.2023 (Annexure P-3). Further, it is submitted that there are total 04 accused in the present case, out of which the main accused-Gurvinder Singh @ Vicky as stated aforesaid has already expired and one accused-Balwinder Singh @ Laddi, has been declared as proclaimed offender by the learned trial Court; and the remaining 02 accused persons are the petitioners herein.

Pursuant to the order dated 08.02.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Patiala, has submitted his report along with statements of the parties vide letter dated 01.03.2024 duly forwarded by the learned District and Sessions Judge, Patiala.

A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 have appeared and suffered statement with regard to the compromise, which have been found to be genuine, voluntary, without any undue influence, coercion or pressure of any kind. It is also reported that petitioner No. 1-Chamkaur Singh, is



involved in one more case bearing FIR No. 76 dated 27.05.2013 registered under Sections 365, 452, 148 and 149 IPC at Police Station Bhawanigarh.

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/Complaint is permissible on the basis of compromise.

Learned State counsel has stated that he has no objection in case the impugned FIR (Annexure P-1) 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 Ist Class, Patiala this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3 herein. 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. 16 dated 25.02.2015 (Annexure P-1) registered under Sections 458, 354, 506, 294, 34 IPC at Police Station Bakshiwala, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise dated 11.10.2023 (Annexure P-2) arrived at between the parties, are ordered to be quashed qua the petitioners only.

28.08.2024
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(NIDHI GUPTA)
JUDGE

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