

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.56649 of 2022
Date of decision: 19.04.2024

SATNAM SINGH AND OTHERS Petitioners
Versus
GURMEET KAUR Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Ajiteshwar Singh, Advocate for the petitioners.

Ms. Kirti S. Avasthi, Advocate for the respondent.

MANISHA BATRA, J. (oral)

1. The present petition has been filed seeking quashing of complaint bearing No. COMI/53/2015 filed under Sections 323, 324, 354-B, 427, 452, 500, 506, 148, 149 and 34 of IPC tilted as *Gurmeet Kaur vs. Satnam Singh & Ors.* and quashing of judgment of conviction and quantum of punishment as imposed upon the petitioners vide order dated 09.07.2019 (Annexure P-9) as well as setting aside the order dated 18.07.2017 whereby, petitioner No.2 had been declared proclaimed person as well as closure of consequential proceedings including the appeal bearing No.CRA/54/2022 titled as *Satnam Singh and ors. vs. Gurmeet Kaur*, pending before the learned Sessions Judge, Jalandhar, on the basis of a compromise had been effected between the parties and directions were given to record their statements before the trial Court in pursuance thereof.

2. At this stage, learned counsel for the petitioners submits that he does not want to pursue the present petition qua petitioner No.2 and his name may be deleted from the array of parties.

3. In view of submission so made, the name of petitioner No.2 is deleted from the array of parties and amended memo of parties as filed by the petitioners is taken on record.

4. Learned counsel for the petitioners have submitted that the parties by making amicable settlement have resolved their *inter se* dispute and therefore, it is submitted by them that the quashing of the aforementioned complaint and the proceedings emanating therefrom, deserve to be allowed as the continuation of thereof would be a futile exercise.

5. This Court vide order dated 05.12.2022 had given directions to the parties to appear before the Sessions Judge for recording their statements.

6. Pursuant to the aforesaid orders, the District and Sessions Judge, Jalandhar has sent reports dated 17.10.2023 to this Court along with photocopies of the statements of respondent No.2/complainant-Gurmeet Kaur, petitioners/accused and Investigating Officer- Dharminder Singh recorded on 21.12.2022.

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioners, there is no other accused in the complaint and that the present petitioners have not been declared proclaimed persons in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the

abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***. Reference can also be made to another judgment rendered in ***Ramawatar vs. State of Madhya Pradesh, 2021 CrL. L.R. (SC) 1527***, wherein, it was observed that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an Appellate Court. The pendency of legal proceedings, be that may before the final Court, is sine-qua-non to involve the superior court's plenary powers to do complete justice. Conversely, where a

settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. It was also observed that the purpose of these extra-ordinary powers was not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

10. In view of the proposition of law as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners by quashing of the complaint bearing No. COMI/53/2015 filed under Sections 323, 324, 354-B, 427, 452, 500, 506, 148, 149 and 34 of IPC tilted as *Gurmeet Kaur vs. Satnam Singh & Ors* as well as judgment of conviction and quantum of punishment as imposed upon the petitioners vide order dated 09.07.2019 (Annexure P-9) and by closing the proceedings as pending before the learned Lower Appellate Court in appeal bearing No.CRA/54/2022 titled as *Satnam Singh and ors. vs. Gurmeet Kaur*, would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the complaint No. COMI/53/2015 titled as as *Gurmeet Kaur vs. Satnam Singh & Ors*, conviction order dated 09.07.2019 (Annexure P-9) as well as the appeal bearing No.CRA/54/2022 titled as *Satnam Singh and ors. vs. Gurmeet Kaur* as pending before the Court of learned Sessions

Judge, Jalandhar and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of compromise.

11. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

19.04.2024

Jyoti-IV

Whether speaking/reasoned:

Whether reportable

Yes/No.

Yes/No

(MANISHA BATRA)

JUDGE