



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-3690-2024

Date of Decision: 14.05.2024

Rajpal Singh @ Ram Rajpal Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vinay K. Gutpa, Advocate for
Mr. Vikas Sonak, Advocate for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

Mr. A.S. Sekhon, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of Criminal Complaint No. COMI/981/2013 dated 01.07.2013 (Annexure P-1) under Sections 452, 354, 341, 323, 506, 148 and 149 IPC and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit of complainant/respondent No. 2 dated 24.11.2023 (Annexure P-3) and affidavit of complainant's witness/ respondent No. 3 dated 24.11.2023 (Annexure P-4).

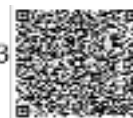
Pursuant to the order dated 16.02.2024 passed by this Court, the parties have appeared before the learned Additional District and Sessions Judge, Faridkot, to get their statements recorded. Learned Additional District and Sessions Judge, Faridkot, has submitted his report along with statements of the parties vide letter dated 08.04.2024



duly forwarded by the learned District and Sessions Judge, Faridkot.

A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary, without any coercion or undue influence.

Learned counsel for the petitioners *inter alia* submits on the date of incident i.e. 18.3.2011, when the husband and son of the complainant gone out of house and she alongwith her unmarried daughter was present in her house, then the accused/petitioners with bad intention entered into their house, caused injuries, torn their clothes and tried to molest them and after making hue and cry, they were saved by passers-by. On this pretext, the aforesaid criminal complaint was filed against the petitioners. It is submitted that the petitioners have been convicted vide judgment of conviction and order of sentence dated 21.10.2019 (Annexure P-5) by the learned Judicial Magistrate 1st Class, Faridkot under Sections 452, 341, 354, 323, 506, 148 and 149 IPC and the appeal against the said judgment of conviction and order of sentence is pending before the First Appellate Court at Faridkot. Learned counsel for the petitioner submits that with the passage of time, better sense has prevailed and in order to live peacefully and harmoniously, the parties have entered into compromise, which is in the shape of affidavit of the complainant/respondent No.2 herein which is dated 24.11.2023 (Annexure P-3) and the affidavit of the complainant's witness/respondent No.3 (who is daughter of the complainant) dated 24.11.2023 (Annexure P-4). Further, it is submitted that initially, there were total 20



accused, out of which two accused expired during the trial in the said complaint case and two accused expired during the pendency of appeal against the judgment of conviction and order of sentence dated 21.10.2019 (Annexure P-5), passed by the learned Judicial Magistrate Ist Class, Faridkot. Now, the remaining 14 accused persons/petitioners herein have filed the instant petition, who all are parties to the compromise and they have never been declared as proclaimed offender(s).

In support of his contentions, learned counsel for the petitioner has relied upon judgment of Hon'ble Supreme Court in ***Ram Gopal and Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***; and a judgment of Hon'ble Division Bench of this Court in ***Sube Singh vs. State of Haryana 2012(4) RCR (Criminal) 102***, wherein it has been held that the powers of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage.

Learned State counsel has stated that he has 'no objection' in case the impugned complaint 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 Additional District and Sessions Judge, Faridkot, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2 and 3. 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 Criminal Complaint No. COMI/981/2013 dated 01.07.2013 (Annexure P-1) under Sections 452, 354, 341, 323, 506, 148 and 149 IPC and all subsequent proceedings arising therefrom including judgment of conviction and order of sentence dated 21.10.2019 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Batala, on the basis of compromise by way of affidavit of complainant/respondent No. 2 dated 24.11.2023 (Annexure P-3) and affidavit of complainant's witness/ respondent No. 3 dated 24.11.2023 (Annexure P-4), are ordered to be quashed qua the petitioners.

14.05.2024
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(NIDHI GUPTA)
JUDGE

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