

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:059076



CRM-M-7242-2025 (O&M)
DATE OF DECISION : 05.05.2025

KANWARPAL TIWARI @ KUMARPAL TIVARI
... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Harmanpreet Singh, Advocate and
Mr. Paramveer Singh Mavi, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG Haryana.

Mr. Yoginder Singh Rana, Advocate for
Mr. Harmanjit Singh Jugait, Advocate for respondent No.2.

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KIRTI SINGH, J. (ORAL)

1. Prayer in this petition filed under Section 528 of BNSS is for quashing of FIR No.826 dated 09.08.2017, under Sections 341, 354, 195-A and 506 IPC, registered at Police Station Central Faridabad along with all the subsequent proceedings arising therefrom on the basis of compromise dated 30.05.2024 (Annexure P-2) arrived at between the parties.
2. Heard learned counsel for the parties and also gone through the case file.
3. Vide order dated 25.02.2025, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

4. Pursuant to the aforesaid order, report dated 02.04.2025 has been received from learned Additional Chief Judicial Magistrate, Faridabad. The compromise effected between the parties is genuine, without any undue influence and coercion.

5. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was 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.

6. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had 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 reads thus:-

“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.

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xxx. ”

7. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

8. Resultantly, the present petition is allowed and FIR No. 826 dated 09.08.2017, under Sections 341, 354, 195-A and 506 IPC, registered at Police Station Central Faridabad is quashed qua the petitioner on the basis of compromise dated 30.05.2024 (Annexure P-2), **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh** within a period of one month.

9. Pending application(s), if any, shall also stand(s) disposed of accordingly.

05.05.2025

Janki

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No