



CRM-M-55037-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-55037-2024 (O&M)

Date of Decision: 14.05.2025

Rahul Kumar

...Petitioner(s)

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Gaurav Garg, Advocate for the petitioner(s).

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Lalit Pathak, Advocate for respondents No.2 and 3.

KIRTI SINGH, J.(Oral)

1. The instant petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed seeking quashing of FIR No.167 dated 29.08.2024, under Sections 137(2) and 96 of BNS, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, Punjab, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 24.10.2024 (Annexure P-2).

2. Heard learned counsel for the parties and also gone through the case file.

3. Vide orders dated 24.02.2025/21.04.2025, 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 orders, report dated 05.05.2025 has been received from the Judicial Magistrate Ist Class, Amloh, District



Fatehgarh Sahib (Duty) and report dated 13.03.2025 of learned Sub Divisional Judicial Magistrate, Amloh. A perusal of the said reports reveal that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them 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.

xxx

xxx

xxx. ”

7. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioners 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 of FIR No.167 dated 29.08.2024, under Sections 137(2) and 96 of BNS, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, Punjab, is quashed qua the petitioner on the basis of compromise dated 24.10.2024 (Annexure P-2), **subject to payment of Rs.20,000/- 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.

(KIRTI SINGH)
JUDGE

14.05.2025

Kapil

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No