



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

290

**CRM-M No.64344 of 2024
Date of decision: 13.02.2025**

MOHIT KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioner.

Ms. Himani Arora, A.A.G, Punjab.

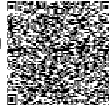
Mr. Vikas Kumar, Advocate for
Mr. S.K. Rana, Advocate for respondent No.2.

MANISHA BATRA, J. (oral)

1. The present petition has been filed for quashing of FIR No.222 dated 11.07.2019 registered under Sections 279, 337 and 338 of IPC, at Police Station Sohana, District S.A.S. Nagar as well as judgment of conviction dated 02.01.2023 passed against the petitioner and all the subsequent proceedings arising therefrom, on the basis of compromise dated 17.12.2024 (Annexure P-3).

2. This Court vide order dated 20.12.2024 had directed the parties to appear before the Appellate Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the learned District and Sessions Judge, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Judge

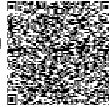


has submitted report dated 18.01.2025 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. 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).

7. 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 petitioner by quashing of the FIR No.222 dated 11.07.2019 as well as judgment of conviction dated



02.01.2023 and by closing the proceedings as pending before the learned Appellate Court, 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 FIR No.222 dated 11.07.2019 as well as judgment of conviction dated 02.01.2023 and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner on the basis of compromise.

13.02.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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