

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

CRM-M-13187-2021

Date of decision : 20.09.2022

Arshdeep Singh and another

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Khiva, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Sukhdev Singh Gopara, Advocate for
Mr. L.S. Sidhu, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of DDR No.65 dated 01.06.2020, registered for the offences punishable under Sections 325, 323 and 506 of IPC at Police Station Amloh, District Fatehgarh in FIR No.76 dated 03.06.2020, registered for the offences punishable under Sections 324, 323, 506 and 427 of IPC at Police Station Amloh, District Fatehgarh, on the basis of compromise dated 11.08.2020 (Annexure P-4).

2. On 23.03.2021, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 20.07.2021.

At this stage, Mr. L.S. Sidhu, Advocate appears on behalf of respondents No.2 and 3.

In the meanwhile, parties would appear before the Illaqa Magistrate on 07.04.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

3. Pursuant to the aforesaid order, report from JMIC, Amloh dated 08.04.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

(i) From the statements of the parties, it seems that the compromise between the parties is voluntary & genuine and the same has been arrived at between the parties without any coercion or undue influence.

(ii) Except for the present case, no other case has been registered against the accused persons.

(iii) There are two accused persons involved in the DDR namely Arshdeep Singh & Jassi Singh.

(iv) None of the accused has been declared a proclaimed offender in the present case.”

The complainant Kuldeep Singh and injured witness Jasvir Kaur have no objection if the above said FIR and the above said consequential proceedings are quashed against the accused persons namely Arshdeep Singh and Jassi Singh in view of the compromise entered into between the parties.”

4. Mr. Sukhdev Singh Gopara, Advocate for Mr. L.S. Sidhu, Advocate appears for respondents No.2 and 3 and admits the fact of parties

having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard learned counsel for the parties and have carefully gone through the records of the case.

7. After considering judgment rendered by the Apex Court in **Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, Kulwinder Singh & others Vs. State of Punjab & another, 2007 (3) RCR (Criminal) 1052 and Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322 (Criminal Appeal No.1489 of 2012 decided on 29th of September, 2021)**, the proposition of law that emerges from the aforesaid decisions rendered by Apex Court and this Court is :

- (a) Power u/s 482 Cr.P.C. vested with this Court is not affected by Section 320 of the Code.
- (b) However, wider the power greater the caution.
- (c) The underlining principle while exercising such power is that it can be invoked to quash the proceedings recognizing compromise between the parties in the matters which are overwhelmingly and predominantly of civil character like commercial transactions or arising out of matrimonial relationship or family disputes.
- (d) The said power is not to be exercised in the prosecutions involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. as such offences are not private in nature and have a serious impact on society.

- (e) Section 482 Cr.P.C. casts duty upon the High Court to advance interest of justice as well. It is in recognition of this duty casted upon the High Court, that Apex Court held that the High Court would not refuse to quash FIR under Section 307 merely because FIR finds mention thereof. High Court can assess nature of injuries sustained, whether such injuries inflicted on vital/delicate parts of the body/nature of weapons used etc.
- (f) Such exercise at the hands of High Court would be permissible only after the evidence is collected after investigation and chargesheet is filed/charges framed during the trial. Such exercise cannot be carried out while the matter is still under investigation.
- (g) While quashing FIR in non-compoundable offences even which are of private in nature, High Court is required to consider antecedents of the accused, conduct of the accused and whether he was absconding or whether he has managed the complainant to enter into a compromise.

8. Thus, keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that it is a fit case to exercise jurisdiction vested u/s 482 Cr.P.C. to quash the FIR as :-

- (i) The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (supra).
- (ii) The offences are of private nature.
- (iii) The parties have compromised.
- (iv) As per the report received the compromise is said to be voluntary in its nature.
- (v) Complainant/victim has entered into compromise on his own volition.

9. Consequently, the petition is allowed. DDR No.65 dated 01.06.2020, registered for the offences punishable under Sections 325, 323 and 506 of IPC at Police Station Amloh, District Fatehgarh in FIR No.76

dated 03.06.2020, registered for the offences punishable under Sections 324, 323, 506 and 427 of IPC at Police Station Amloh, District Fatehgarh and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

20.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No