

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16263-2021

Date of decision : 10.10.2022

Raju Grover and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Akashdeep Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.170 dated 14.07.2020, registered for the offences punishable under Sections 323, 324, 148, 149 and 506 of IPC (Section 325 of IPC added later on), at Police Station Civil Lines, District Amritsar, on the basis of compromise deed dated 27.07.2020 (Annexure P-2).

2. On 19.04.2021, the following order was passed:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 170, dated 14.07.2020, under Sections 323, 324, 148, 149 and 506 of IPC (Section 325 of IPC added later on), registered at Police Station Civil Lines, Amritsar.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab accepts notice on behalf of State of Punjab and Mr. Akashdeep Singh, Advocate accepts notice on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise on 26.05.2021.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is declared as proclaimed offender; and
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 15th July, 2021.”

3. Pursuant to the aforesaid order, report from CJM, Amritsar dated 07.06.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

- i. That the present case was got registered by complainant Saurabh Seth against accused Raju Grover, Karan Grover and Kunal Grover. Complainant and all the abovenamed accused appeared in the Court and have got recorded their statements regarding compromise.
- ii. That as per the statements of the parties and the Investigating Officer, three accused are involved in this case and none of the accused remained involved in any criminal activity except the present case.
- iii. That as per the statement of Investigating officer and as per record, none of the accused has been

declared as proclaimed offender in this case.

- iv. That there is only one victim namely Saurabh Seth. The case is still at investigation stage. Neither any accused has been arrested nor the challan has been presented so far.
- v. That from the statements of the complainant and the accused, I am satisfied that compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner.”

4. Mr. Akashdeep Singh, Advocate appears for respondent No.2 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 petitioners 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. FIR No.170 dated 14.07.2020, registered for the offences punishable under Sections 323, 324, 148, 149 and 506 of IPC (Section 325 of IPC added later on), at Police Station Civil Lines, District Amritsar and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

10.10.2022

Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No