

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

**CRM-M-19201-2021 (O&M)
Date of decision : 11.10.2022**

Master Gurpartap Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Prince Sharma, Advocate
for the petitioners.

Mr. Madhur Sharma, Asstt. Advocate General, Punjab
for respondent No.1.

Mr. Shivam Kamboj Sirsa, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.59, dated 12.04.2020 registered for the offences punishable under Sections 452/188/269/506 of the IPC, 1860 at Police Station P.S. Sarai Amant Khan, District Tarn Taran (Annexure P-1) on the basis of compromise.

2. On 29.06.2021, the following order was passed:-

“Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 59 dated 12.04.2020, under Sections 452, 188, 269, 506 IPC, registered at police Station Sarai Amant Khan, District Tarn Taran and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. R.S. Khaira, AAG, Punjab and Mr. Daljeet Singh, Advocate accepts notice on behalf of respondents No. 1 and 2

respectively.

Parties may appear before concerned trial Court/Duty Magistrate on 23.07.2021 or on any other date convenient to the said Court to get their statements recorded with regard to the compromise. The original compromise shall be produced before Trial Court/Duty Magistrate. In the event of their statements being recorded trial Court/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his/her report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 29.09.2021. ”

3. Pursuant to the aforesaid order, report from Judicial Magistrate 1st Class, Tarn Taran dated 02.08.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“It is submitted that as per statement of Investigating Officer in above mentioned FIR there are total 4 (four) accused in present FIR no 59 dated 12-04-2020, U/s 452/188/269/506 IPC, P.S. Sarai Amanat Khan, Tarn Taran namely (1) Master Gurpartap Singh S/o Jagmohan Singh, (2) Lallo alias Gubinder Singh, (3) Joban Singh S/o Jasbir Singh and (4) Sahib Singh alias Sabu S/o Inder Singh, all R/o Village Gandiwind, Tehsil & District Tarn Taran and Jagmeet Singh S/o Ranjit Singh R/o Village Gandiwind, Tehsil & District Tarn Taran is complainant in present FIR. All the four accused namely (1) Master Gurpartap Singh S/o Jagmohan Singh, (2) Lallo alias Gubinder Singh, (3) Joban Singh S/o Jasbir Singh

and (4) Sahib Singh alias Sabu S/o Inder Singh, all R/o Village Gandiwind, Tehsil & District Tarn Taran and complainant Jagmeet Singh S/o Ranjit Singh R/o Village Gandiwind, Tehsil & District Tarn Taran are present before undersigned and got recorded their statement to the effect that matter has been compromised between them with the intervention of respectable persons and they have entered into a compromise without any pressure, coercion or undue influence (copy of which are attached herewith). In view of the above said statement of both accused and complainant parties, it appears that the compromise between the parties is genuine one and without any pressure or coercion. As per statement of Investigating Officer all the four accused are on bail in present case. In this regard, it further submitted that as per statements of accused and Investigating Officer no other case except the present one is pending against all four accused/petitioners.”

4. Ld. Counsel appearing for respondent No.2 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 Ld. State Counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard Ld. 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.59, dated 12.04.2020 registered for the offences punishable under Sections 452/188/269/506 of the IPC, at Police Station P.S. Sarai Amant Khan, District Tarn Taran (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

October 11, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No