

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-20368-2022 (O&M)
Date of decision: 30.09.2022

GURPREET SINGH ALIAS PEETA AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vaibhav Sehgal, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Ms. Monika Thakur, Advocate for
Mr. Salim Akhtar, Advocate
for respondent No.2 and 3.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.59 dated 26.05.2020 registered for the offence punishable under Sections 323, 341, 506, 148 and 149 IPC and Sections 25/27/54/59 of the Arms Act at Police Station Dehlon, Ludhiana, District Ludhiana on the basis of compromise dated 06.05.2022 (Annexure P-2).

2. On 09.08.2022, the following order was passed:-

“Reply dated 9th August, 2022 filed by learned State counsel is taken on record.

Learned State counsel on instructions submits that Sections of Arms Act have been deleted.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 22nd August, 2022.

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

(i) Number of persons arrayed as accused in the FIR.

(ii) Whether any accused is declared as proclaimed offender.

(iii) Whether the compromise is genuine, voluntary and without any coercion or under influence.

List on 30th September, 2022.”

3. Pursuant to the aforesaid order, report from Judicial Magistrate First Class, Ludhiana dated 09.09.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“(i & ii) It is humbly submitted that the present case i.e.FIR No. 59 dated 26.05.2020 U/s 323/341/506/148/149 IPC and Section 25.54.59 of Arms Act, PS Dehlon has been got registered against four persons i.e. the petitioner namely Gurpreet Singh @ Peeta, Gurdeep Singh @ Raju, Davinder Singh @ Bindi and Balwinder Singh @ Vicky and none of the accused is declared as Proclaimed Offender in this case.

(iii) It is further submitted that after going through the statements of parties so recorded, I am of the considered view that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.”

4. Ms. Monika Thakur, Advocate for appears for respondent No.2 and 3 and admits the fact of parties having compromised and states that she 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.59 dated 26.05.2020 registered for the offence punishable under Sections 323, 341, 506, 148 and 149 IPC and Sections 25/27/54/59 of the Arms Act at Police Station Dehlon, Ludhiana, District Ludhiana and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

September 30, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>