

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-35868-2018 (O&M)  
Date of decision : 16.12.2022

Jagjit Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Rajbir Singh, Advocate  
for the petitioners.

Mr. Jaiteshwar Singh, AAG, Punjab.

Ms. Rajni Rohilla, Advocate for  
Mr. Abhinav Singla, Advocate  
for respondent No.2.

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**PANKAJ JAIN, J. (Oral)**

By way of present petition, the petitioners are seeking quashing of FIR No.208 dated 27.07.2018, registered for offences punishable under Sections 420, 465, 468, 471 and 120-B of IPC and Sections 66 and 67 of Information Technology Act, 2000 at Police Station City Sangrur, District Sangrur on the basis of compromise dated 08.08.2018 (Annexure P-2).

2. On 15.09.2022, the following order was passed:-

“This is an application, whereby prayer has been made that keeping in view the fact that the complainant is now settled abroad he be allowed to get a statement recorded through video conferencing /through his Power of Attorney holder, namely, Ajay Kumar, who has been appointed as General Power of Attorney by the complainant vide GPA dated 06.09.2018.

Notice of motion was issued. State has verified the fact with respect to complainant having settled abroad and the same has been found to be correct.

In view of the aforesaid position, the complainant-respondent No.2 is allowed to get his statement recorded through his Power of holder-Ajay Kumar.

Parties are directed to appear before the trial Court on the next date, which is stated to be 29.09.2022 for recording their statements with regard to compromise/settlement.

To await report, adjourned to 16.12.2022.”

3. Pursuant to the aforesaid order, report from JMIC, Sangrur dated 28.10.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

Power of Attorney Holder Ajay Kumar stated that complainant has compromised the matter with the accused with his free and voluntary consent without any pressure or coercion from the side of the accused. Similarly, accused Jagjit Singh, Manpreet Kaur and Gurkirpal Singh have suffered statement that matter has been compromised without any pressure or coercion from their side. (Copies of statements of the parties are enclosed). From the statement of the complainant it is evident that the matter has been voluntarily compromised between the parties with the free consent of complainant without any pressure or undue influence and the compromise is genuine.”

4. Ms. Rajni Rohilla, Advocate for Mr. Abhinav Singla, Advocate appears for respondent No.2 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 29<sup>th</sup> 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 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.
- (vi) No firearm has been used.
- (vii) Injury has not been inflicted on the vital/delicate part of the body.
- (viii) Investigation stands completed.

9. Consequently, the petition is allowed. FIR No.208 dated 27.07.2018, registered for offences punishable under Sections 420, 465, 468, 471 and 120-B of IPC and Sections 66 and 67 of Information Technology Act, 2000 at Police Station City Sangrur, District Sangrur and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

**16.12.2022**  
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No