

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 11.10.2022

1. CRM-M-47445-2018

Satpal Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

2. CRM-M-47872-2018

Balvir Singh and and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nagar Singh, Advocate
for the petitioners in CRM-M-47445-2018 and
for respondents No.2 to 5 in CRM-M-47872-2018.

Mr. Vikasdeep Singh, Advocate
for the petitioners in CRM-M-47872-2018 and
for respondents No.2 to 4 in CRM-M-47445-2018.

Mr. Arun Gupta, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

By way of present petitions, the petitioners are seeking quashing of DDR No.24 dated 29.05.2014, registered for the offence punishable under Sections 326, 325, 323, 148 and 149 of IPC and FIR No.42 dated 29.05.2014, registered for the offence punishable under Sections 324, 323, 148 and 149 of IPC, at Police Station Talwandi Chaudhrian, District Kapurthala, on the basis of compromise dated 07.09.2018 (Annexure P-3).

2. These are matters arising out of version and cross-version.
3. On 10.12.2018, the following order was passed:-

“In CRM-M No.47445 of 2018, reply by way of affidavit dated 10.12.2018 of Sh. Tejbir Singh, PPS, DSP, Sub Division Sultanpur Lodhi, District Kapurthala on behalf of respondent No.1 has been filed. The same is taken on record.

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It is jointly stated by learned Counsel for the parties that the matter has been compromised.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 18.12.2018 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 21.01.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.

Photocopy of this order be placed on the connected case(s).”

4. Pursuant to the aforesaid order, report from JMIC, Sultanpur Lodhi dated 15.01.2019 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

(i) Both the parties have effected compromise which is bonafide and are not the result of any threat, pressure or coercion etc. in any manner.

(ii) Both the parties have effected compromise which is genuine and valid.

(iii) All the accused, complainant and injured are party to the compromise.

(iv) As per statements of parties, no other case is pending against either of the parties.

(v) None of the person involved in this case/dispute has been declared proclaimed offender.”

5. Counsel appears for respondents in both the cases, admits the fact of parties having compromised and states that they have no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

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

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

8. 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.

9. 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/DDR 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.

10. Consequently, the petitions are allowed. DDR No.24 dated 29.05.2014, registered for the offence punishable under Sections 326, 325, 323, 148 and 149 of IPC and FIR No.42 dated 29.05.2014, registered for

the offence punishable under Sections 324, 323, 148 and 149 of IPC, at Police Station Talwandi Chaudhrian, District Kapurthala and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

11.10.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No