

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50836-2018

Date of decision : 17.10.2022

Sunny @ Sunil and others

..... Petitioners

versus

Maninder Singh @ Manna and anr

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Neeraj Madaan, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. J.S. Ghumman, Advocate
for respondents.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of Criminal Complaint No.10/1/13 registration No.2257 of 2013 dated 21.01.2013 pending before the Court of Additional Sessions Judge, Jalandhar, registered for the offences punishable under Sections 326, 325, 324, 323, 506, 148 and 149 of IPC qua the petitioners, on the basis of compromise dated 25.10.2018 (Annexure P-2).

2. On 19.11.2018, the following order was passed:-

“Notice of motion for 15.01.2019.

At this stage, Mr. J. S. Ghumman, Advocate puts in appearance on behalf of the respondents and has filed his memorandum of appearance in Court today.

Let the parties appear before the trial Court on 10.12.2018 for recording their statements regarding

compromise/settlement.

The trial Court shall send its report to this Court by the next date of hearing, containing the following information:-

1. Number of persons arrayed as accused in the complaint case/FIR, as the case may be.

2. Whether any accused is proclaimed offender, and

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused person(s) are involved in any other FIR/complaint case or not.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

3. Pursuant to the aforesaid order, report from Additional Sessions Judge, Jalandhar has been received, which is taken on record.

As per the report, the trial Court has recorded as follows:-

“xx xx xx

2. That it is submitted that the following report is submitted after perusing the aforesaid statements of the complainant Harpinder Singh, injured Maninder and the accused Narinder Singh @ Nindu, Mandeep Singh, Sunny @ Sunil, Darshan Singh @ Pappi and Joginder Singh and the records of the present case:

(i). It is submitted that one of the accused namely Jatinder Singh @ Jeeta has been declared as proclaimed offender by the learned trial court vide its order dated 06.12.2016 during the pendency of the present complaint before it.

(ii). It is submitted that one of the appellant/convict Paramjit Singh @ Baggu son of Karam Singh has died on dated 31.07.2017 during the pendency of the present compliant case before this court and the

proceedings against him were abated vide order dated 18.05.2018.

(iii). It is submitted that the compromise arrived at between the complainant Harpinder Singh, injured Maninder and the accused Narinder Singh, Sunny & Sunil, Darshan Singh, @ Pappi, Mandeep Singh and Joginder Singh in the present case is genuine and the same has been effected voluntarily, without any coercion, duress or undue influence and the complainant Harpinder Singh as well as injured Maninder have voluntarily stated that they have no objection, if the questing petition pending before Hon'ble High Court of Punjab & Haryana may be allowed on the basis of the present compromise.”

4. Mr. J.S. Ghumman, Advocate appears for the respondents and admits the fact of parties having compromised and states that he has no objection in case the aforesaid criminal complaint and all proceedings subsequent thereto against the petitioners are quashed.

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

6. 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.

7. 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 Complaint/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.

8. Consequently, the petition is allowed. Criminal Complaint No.10/1/13 registration No.2257 of 2013 dated 21.01.2013 pending before the Court of Additional Sessions Judge, Jalandhar, registered for the offences punishable under Sections 326, 325, 324, 323, 506, 148 and 149 of IPC and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

17.10.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No