

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

**CRM-M-33518-2020
Date of decision : 11.10.2022**

Binderpal Singh and others

....Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sumeet Puri, Advocate
for the petitioners.

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

Mr. Arjun Atri, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.175, dated 16.08.2020 registered for the offence punishable under Sections 452/324/323/34 of the IPC, at Police Station Sadar Sangrur, District Sangrur (Annexure P-1) on the basis of compromise.

2. On 05.02.2021, the following order was passed :-

“The case is taken up through video conferencing on account of COVID-19.

By filing this petition, quashing of FIR No. 175 dated 16.08.2020 under Sections 452, 324, 323, 34 IPC registered at Police Station Sadar Sangrur, District Sangrur and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Parties may appear before concerned trial Court/Duty

Magistrate on 15.02.2021 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his 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 25.03.2021. ”

3. Pursuant to the aforesaid order, report from Addl. Chief Judicial Magistrate, Sangrur dated 18.02.2021 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“After the evaluation of the statements of the parties and that of the investigating officer, the report on the enumerated aspects is submitted hereunder:

- i) Regarding genuineness and voluntary nature of the compromise

After the evaluation of the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. The original written compromise, annexure A, was also placed upon record. The same was owned up by all the petitioners as well as respondents who submitted in unison that they had executed the compromise out of their own free volition.

- ii) Whether all the accused/petitioners are appearing before the Court or are on bail

It was submitted by the investigating officer that in the case at hand, challan has not been filed so far and the

investigation is still going on.

iii) Whether any other proceeding is pending against the accused/petitioners.

It was revealed from the statements of the parties as well as the investigating officer that apart from the present proceedings, no other case is pending against either of the parties.”

4. Ld. Counsel appearing for respondents No.2 and 3 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.175, dated 16.08.2020 registered for the offence punishable under Sections 452/324/323/34 of the IPC, at Police Station Sadar Sangrur, District Sangrur (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