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

**CRM-M-43378-2022**

**Date of decision : 15.12.2022**

**SURAJ AND ORS.**

....Petitioners

Versus

**STATE OF PUNJAB AND ANOTHER**

...Respondents

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

Present : Mr. Mayank Gupta, Advocate  
for the petitioners.

Mr. Jaiteshwar Singh, Asstt. Advocate General, Punjab  
for respondent No.1-State.

Mr. Hitesh Chopra, Advocate  
for respondent No.2.

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

By way of present petition, the petitioners are seeking quashing of the cross version GDR No.38, dated 11.12.2021 registered for the offences punishable under Sections 324, 341, 34 IPC, 1860 (Annexure P-1) in FIR No.0245 dated 08.12.2021, under Sections 324, 341, 34 IPC, 1860 at Police Station Sujanpur Tehsil and District Pathankot (Annexure P-2) on the basis of compromise.

2. On 20.09.2022, the following order was passed :-

“Counsel for the petitioners relies upon order dated 14.09.2022 passed in CRM-M-38695-2022, wherein prayer has been made for quashing of FIR on the basis of compromise and

the parties have been directed to appear before the Duty Magistrate/Illaqa Magistrate/trial Court on 29.09.2022. It has been submitted that the present case is cross version qua the said FIR as it was a case of brawl and not assault.

Notice of motion for **15.12.2022**.

On the asking of the Court, Mr. Gurdarshan Singh Sidhu, AAG, Punjab, who is present in Court accepts notice on behalf of respondent No.1-State.

Mr. Hitesh Chopra, Advocate appears for respondent No.2 and admits the fact of there being compromise between the parties. In view of the above, the parties are directed to appear before learned Illaqa Magistrate/trial Court on **29.09.2022**.

On their doing so, the learned Illaqa Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender?
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?
4. Whether the accused persons are involved in any other case or not?
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

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

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter. ”

3. Pursuant to the aforesaid order, report from CJM, Pathankot dated 04.10.2022 has been received, which is taken on record. As per the

report, the trial Court has recorded as follows:-

“Keeping in view all aspects and statements of complainant and the accused persons, this Court is of the considered view that statements of appearing parties are not the result of any pressure or coercion or undue influence and their **compromise is genuine, voluntary and without any coercion or undue influence. Report of this Court is as under :-**”

- (i) As per record, four persons namely Suraj, Karan Kumar, Tanishq Manhas and Pankaj are arrayed as accused.
- (ii) As per record, none of the accused has been declared proclaimed offender in this case.
- (iii) Compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.
- (vi) As per record, accused Suraj is involved in one another case FIR No.20/2021, under S.61 of Excise Act, P.S. Sujanpur and accused Karan Kumar is involved in FIR No. 54/2022, under Ss. 341, 323, 506, 148, 149 IPC, P.S. Sujanpur.
- (v) ASI Surinder Kumar has appeared and made statement in court. As per statement, Yuvraj @ Yuvi is the only complainant in the FIR.”

4. Ld. Counsel appearing for respondent No.2 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. Apart from that counsels are ad idem that FIR No.0245 dated 08.12.2021 registered for the offences punishable under Section 324, 323

and 34 IPC at Police Station Sujanpur, Tehsil and District Pathankot arising out of the same transaction which was in fact the version already stands quashed vide order dated 8<sup>th</sup> of December, 2022 passed in CRM-M-38695-2022.

7. I have heard Ld. 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 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.

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 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 petition is allowed. Cross-version GDR No.38, dated 11.12.2021 registered for the offences punishable under Sections 324, 341, 34 IPC, 1860 (Annexure P-1) in FIR No.0245 dated 08.12.2021, under Sections 324, 341, 34 IPC, 1860 at Police Station Sujampur, Tehsil and District Pathankot (Annexure P-2) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

**December 15, 2022**

**Dpr**

**(PANKAJ JAIN)**

**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No