

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

Date of decision : 16.12.2022

CRM-M-39854-2022

Inderjeet Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CRA-S-1122-2020 (O&M)

Inderjeet Singh

....Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner/appellant.

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

Mr. Raman Kumar, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

This order shall dispose off the afore-captioned petition as well as appeal. The petitioner/appellant herein is seeking quashing of FIR No.245, dated 16.12.2018 registered for the offences punishable under Sections 379-B of the Indian Penal Code, 1860 (offence under Section 411 IPC added later on), at Police Station Islamabad, Police Commissionerate, Amritsar District Amritsar (Annexure P-1) on the basis of compromise. He

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further laid challenge to the judgment of conviction and order of sentence dated 19th/25th of February, 2020 passed by the Sessions Judge, Amritsar whereby the appellant stands convicted for the offence punishable under Sections 379-B and 411 IPC and has been sentenced as under :

Offence u/s	Rigorous Imprisonment	Fine	In default of payment of fine (Rigorous Imprisonment)
379-B IPC	5 years	Rs.10,000/-	6 months
411 IPC	1 year	-	-

2. Ld. Counsel for the petitioner/appellant relies upon Para No.13 of the judgment passed by Apex Court in the case of **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)**, wherein it has been held that :-

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The

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touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice....”

3. On 29th of September, 2022 (in CRM-M-39854-2022), the following order was passed :-

“xxxxx

Parties are directed to appear before the JMIC, Amritsar on 10.10.2022 to get their statements recorded. On their doing so, the concerned JMIC 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 concerned JMIC shall be at liberty to call the parties on any other date but not later than a week thereafter.

A copy of the present petition along with the order be sent to the concerned Magistrate.

xxxxx”

4. Pursuant to the aforesaid order, report from JMIC, Amritsar dated 17th of October, 2022 has been received, which is taken on record. As

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per the report, the Trial Court has recorded as follows:-

“....Statement of complainant Ravneet Kaur has been recorded. As per her statement, she has compromised the matter with the accused namely Inderjeet Singh, out of her free will, consent and without any pressure, threat, coercion or undue influence. Accused Inderjeet Singh has also got recorded his statement and as per his statement, he has compromised the matter with complainant Ravneet Kaur, out of his free will, consent and without any pressure, threat, coercion or undue influence.

I am satisfied that compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. It is further submitted that as per the statement of investigating officer ASI Ramesh Kumar No.3684/ASR, Incharge, Police Post Kabir Park, Amritsar, he is the investigating officer of the present case. There is one accused involved in the present case namely Inderjeet Singh. Accused has never been declared as proclaimed offender in the present case. Accused is not involved in any other case except the present case. There is only one complainant in the present case namely Ravneet Kaur.”

5. 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 including the judgment of conviction/order of sentence, against the petitioner are quashed.

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

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

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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

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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.
- (vi) Though the petitioner already stands convicted yet in view of law laid down by the Apex Court in the case of **Ram Gopal and another vs. State of Madhya Pradesh** (supra), this Court finds it to be a fit case to exercise jurisdiction under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings emanating

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therefrom including the order of conviction.

10. Consequently, the petition (CRM-M-39854-2022) is allowed. FIR No.245, dated 16.12.2018 registered for the offences punishable under Sections 379-B of the Indian Penal Code, 1860 (offence under Section 411 IPC added later on), at Police Station Islamabad, Police Commissionerate, Amritsar District Amritsar (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.
12. In view of the above, the appeal (CRA-S-1122-2020) also stands allowed and the judgment of conviction and order of sentence dated 19th/25th of February, 2020 passed by the Sessions Judge, Amritsar is ordered to be annulled and the appellant is acquitted of all the charges *qua* the aforesaid FIR.
13. A copy of this order be kept on the file of other connected case.

December 16, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No