

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

**CRM-M-40915-2022  
Date of decision : 15.11.2022**

**GURTEJ SINGH**

....Petitioner

Versus

**STATE OF PUNJAB AND ANOTHER**

...Respondents

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

Present : Ms. Loveinder K. Brar, Advocate  
for the petitioner.

Mr. S.S. Cheema, DAG, Punjab  
for respondent No.1.

Mr. Ankit Aggarwal, Advocate for  
Mr. Naveen Mandhan, Advocate  
for respondent No.2.

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

By way of present petition, the petitioner is seeking quashing of FIR No.92, dated 10.05.2022 registered for the offences punishable under Sections 458, 323, 506 & 34 of the IPC, at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) on the basis of compromise.

2. On 08.09.2022, the following order was passed :-

*“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioner facing trial in FIR No.92 dated 10.05.2022, registered for offences punishable under Sections 458, 323, 506 & 34 of the Indian Penal Code, at Police Station Sadar Dhuri, District Sangrur and all consequential proceedings arising there-from qua the petitioner in view of the compromise dated 25.08.2022*

*(Annexure P-2) arrived at between the parties.*

*Learned counsel for the petitioner contends that the matter already stands compromised vide compromise dated 25.08.2022 (Annexure P-2).*

*Notice of motion for 15.11.2022.*

*On the asking of the Court, Mr. Gurdarshan Singh Sidhu, Asstt. A.G., Punjab accepts notice on behalf of respondent No.1-State. Mr. Naveen Mandhan, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.*

*In view of the above, the parties, i.e. the petitioner as well as respondent No.2 are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 20.09.2022. On their doing so, the learned Duty Magistrate/Illaq 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 Illaq 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 Judicial Magistrate

1<sup>st</sup> Class, Sangrur Holding Camp Court at Dhuri dated 10.10.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

**“(i) Number of Persons arraigned as accused in FIR ?**

There is no other accused arrayed in the present FIR except the above said accused Gurtej Singh.

**“(ii) Whether any accused is a proclaimed offender ?**

There is no proclaimed offender in this case and above said accused appearing before this court.

**“(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence ?**

Yes, the compromise arrived between the parties is genuine, voluntary and made out of free will of the parties.

Complainant and accused have suffered separate statements to the effect that now with the intervention of respectables and relatives persons, they have voluntarily compromised the matter with each other without their being any pressure, coercion, any misrepresentation or undue influence and without any greed. They further stated in their separate statements that compromise is genuine one, voluntarily and without any coercion or any undue influence and the same is valid. Accordingly, the complainant does not want to pursue with the present FIR against the above said accused/petitioner. He further stated that he had seen the copy of compromise dated 25.08.2022 i.e., CX in the Court today and photocopy of the same was produced in the Court i.e. Ex. CX and identified his signature over the same. Present FIR and all the consequential proceedings are quashed against the above said accused/petitioner.

From the statements of the parties, Court is of the opinion that matter has been amicably settled between the petitioner/accused namely Gurtej Singh son of Nirmal Singh, R/o village

Pharwahi, Tehsil Dhuri, District Sangrur and complainant/respondent Sahibdin Son of Bhudu Khan R/o VPO Pharwahi, Tehsil Dhuri, District Sangrur. The said compromise is genuine, voluntary and is without any coercion or undue influence.

**(iv) Whether the accused persons are involved in any other case or not.**

Accused namely Gurtej Singh Son of Nirmal Singh has not been involved in any other criminal activity or FIR.

**(v) The Trial Court is also directed to record the statement of the Investigating officer as to how may victims/ complainants are there in the FIR?**

There is no other victim/complainant aggrieved party in the present FIR except respondent Sahibdin Son of Bhudu Khan. Challan not presented in the present FIR till date.”

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 petitioner 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 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.

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.92, dated 10.05.2022 registered for the offences punishable under Sections 458, 323, 506 & 34 of the IPC, at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

**November 15, 2022**

**Dpr**

**(PANKAJ JAIN)**  
**JUDGE**

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