

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

CRM-M-48795-2021

Date of decision : 28.09.2022

Harpal Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Simble, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Tarun Singla, Advocate
for respondents No.2 to 4.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.9 dated 14.01.2020, registered for the offences punishable under Sections 323/324/506/148/149 of the IPC, at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur on the basis of affidavits regarding compromise dated 22.10.2021 (Annexures P-2 and P-3).

2. On 23.11.2021, the following order was passed:-

“This is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion for 24.01.2022.

At this stage, Ms. Rashmi Attri, AAG Punjab, who is present in court, accepts notice on behalf of respondent No.1-State. Similarly, Mr. Tarun Singla, Advocate accepts notice on behalf of respondents No.2

to 4 and files the power of attorney, which is taken on record. He admits to the factum of compromise.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate on 24.12.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 24.01.2022.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. Pursuant to the aforesaid order, report from JMIC, Batala dated 14.01.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

I. After considering the statements of the parties as well as IO, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.

II. No PO proceedings are pending against any of the party.”

4. Mr. Tarun Singla, Advocate appears for respondent Nos.2 to 4 and 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 learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard learned 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.9 dated 14.01.2020, registered for the offences punishable under Sections 323/324/506/148/149 of the IPC, at Police Station Dera Baba Nanak,

Police District Batala, District Gurdaspur and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

28.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No