

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

Date of Decision : 21.10.2022

CRM-M-42034-2019

Ranjit Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CRM-M-47566-2019

Kulwinder Singh alias Kaka and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Poonam Verma, Advocate
for the petitioners (in CRM-M-42034-2019) and
for respondents No.2 to 5 (in CRM-M-47566-2019).

Ms. Pushpinder Kaur, Advocate for
Ms. Riffi Birla, Advocate
for respondent No.2 (in CRM-M-42034-2019) and
for the petitioners (in CRM-M-47566-2019).

Mr. Madhur Sharma, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

These are two petitions filed under Section 482 Cr.P.C. arising out of version and cross-version. The petitioners herein are praying for quashing of FIR No.114, dated 02.05.2019 registered for the offences punishable under Sections 324, 323, 341 read with Section 34 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Sadar Dhuri and

cross-case registered vide DDR No.27 dated 05.05.2019 registered for the offences punishable under Sections 458/323/324/34 of the IPC in the aforesaid FIR along with all subsequent proceedings arising therefrom.

2. On 14th of November, 2019, the following order was passed :-

“Learned counsel for the petitioners in both the petitions submit that in case bearing FIR No.114 dated 02.05.2019 registered at Police Station Sadar Dhuri for the offences punishable under Sections 324, 323, 341 read with Section 34 IPC and the cross-case registered vide DDR No.27 dated 05.05.2019 in the aforesaid FIR, the matter has since been amicably settled by way of compromise and affidavit(s), copies of which have been placed on file as Annexure P-3 and P-4 respectively.

Notice of motion.

Both the counsel accept notice vice-versa on behalf of private respondent(s) and filed their respective power of attorney(s).

Parties may appear before concerned trial Court on 18.12.2019 or on any other date convenient to trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before trial Court. In the event of their statements being recorded, trial Court will send copies of the same to this Court with its 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;
- (iii) whether accused/petitioners are facing trial/ investigation/enquiry in any other criminal case/ proceedings; and
- (iv) whether all the victims in this case have entered

into compromise with the petitioner(s).

Report of trial Court be awaited for 12.03.2020.

Copy of this order be placed on the file of other connected matter.”

3. Pursuant to the aforesaid order, report from the Judicial Magistrate, 1st Class, Dhuri dated 07.01.2020 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows :-

“6. As per statement of Investigating Officer ASI Ashok Kumar, four accused persons namely Paramjit Singh son of Ranjit Singh, Ranjit Singh son of Chand Singh, Jugraj Singh son of Ranjit Singh and Kuldeep Kaur wife of Ranjit Singh all residents of Village Kanjhla, Tehsil Dhuri, District Sangrur are nominated as accused in the above-said FIR. Further the instant FIR was registered on the statement of complainant/injured Kulwinder Singh @ Kaka son of Balvir Singh r/o Village Punawal, Tehsil Dhuri, District Sangrur. Further as per the statement of Investigating Officer four accused persons namely Kulwinder Singh @ Kaka son of Balvir Singh of Village Punawal, Amandeep Singh @ Bablu son of Baldev Singh of Village Kanjhala, Gagandeep Singh @ Gaggi son of Pritam Singh of village Kanjhala and Gurwinder Singh @ Guri son of Darshan Singh of village Punawal, Tehsil Dhuri, District Sangrur are nominated as accused in the above-said DDR. Further the instant DDR is registered on the statement of complainant/injured Ranjit Singh son of Chand Singh r/o Village Kanjhla, Tehsil Dhuri, District Sangrur. Further as per the statement of Investigating Officer all the accused of present FIR and DDR are on bail. Further as per the statement of Investigating Officer, accused of the present FIR and DDR are

not facing trial/investigation/enquiry in any other criminal case/proceedings.

Report is submitted as desired please.”

4. It is a case of version and cross-version. Both the counsel accept notice vice-versa on behalf of private respondent(s) and admit the fact of parties having compromised and state that they have no objection in case the FIR as well as DDR 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 matters do 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 petitions are allowed. FIR No.114, dated 02.05.2019 registered for the offences punishable under Sections 324, 323, 341 read with Section 34 of the IPC, at Police Station Sadar Dhuri and cross-case registered vide DDR No.27 dated 05.05.2019 registered for the offences punishable under Sections 458/323/324/34 of the IPC in the aforesaid FIR and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

10. A copy of this order be kept on the file of other connected case.

October 21, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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