

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

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CRM-M-42793-2019

Date of Decision : **September 22, 2022**

RAVINDER SINGH @ RAVI AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Prince, Advocate
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

Mr. Ajay Kumar, Advocate for
Mr. Digvijay Nagpal, Advocate
or respondent No.2.

PANKAJ JAIN. J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.99 dated 30.08.2017 (Annexure P-1) under Sections 326 and 324 read with Section 34 of Indian Penal Code registered at Police Station Sarhali, District Tarn Taran, on the basis of compromise.

2. On 23.1.2020, the following order was passed:-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.99 dated 30.08.2017 (Annexure P-1) under Sections 326 and 324 read with Section 34 of Indian Penal Code registered at Police Station Sarhali, District Tarn Taran on the basis of compromise dated 20.09.2019 (Annexure P-2).

Learned counsel appearing on behalf of respondent No.2 admits the factum of compromise.

Adjourned to 23.04.2020.

The private parties are directed to appear before the trial Court/Illaq Magistrate on 19.02.2020 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

- 1.Number of persons arrayed as accused in 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 through fax to the Registrar Judicial of this Court.”

3. Pursuant to the aforesaid order, report from learned Judicial Magistrate 1st Class, Tarn Taran dated 9.4.2020 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“In compliance of the aforesaid order, statement of respondent No.2/complainant Darshan Singh son of Kashmir Singh, resident of Village Shakri, Tehsil and District Tarn Taran, joint statement of petitioners/accused Ravinder Singh @ Ravi son of Ajit Singh, Gurdas Singh alias Goldi son of Nirmal Singh, Sukhwinder Kaur alias Sawinderjit Kaurn wife of Nirmal Singh, all resident of Village Shakri, Tehsil and District Tarn Taran were recorded in the court, wheein the complainant/respondent No.2 has submitted that he has compromised the matter with the above said petitioners/accused voluntarily and without any pressure, coercion or undue influence and he

has no objection if the proceedings and FIR be quashed against the above said petitioners/accused, whereas ASI Rajinder Singh No.252 has given the information that FIR No.99 dated 30.08.2017, registered under Section 326/324/34 of the Indian Penal Code registered at Police Station Sarhali, Distt. Tarn Taran registered on the statement of complainant/respondent NO.2 Darshan Singh son of Kashmir Singh against three accused namely Ravinder Singh alias Ravi son of Ajit Singh, Gurdas Singh alias Goldi son of Nirmal Singh, Sukhwinder Kaur alias Sawinderjit Kaur wife of Nirmal Singh, all resident of Village Shakri, Tehsil and District Tarn Taran. It is further informed that there is no other complainant/injured in the present case except complainant Darshan Singh. ASI Rajinder Singh further informed that as per his record no other FIR is registered in the Police Station Sarhali against above said petitioners/accused and no PO proceedings is pending against the above said accused in the FIR No.99 dated 30.08.2017 registered under Sections 326/324/34 of the Indian Penal Code registered at Police Station Sarhali, District Tarn Taran.

In view of the above said statements of parties, it appears that the compromise between the complainant and petitioners/accused is genuine one and without any pressure or coercion.”

4. Mr. Ajay Kumar, Advocate for Mr. Digvijay Nagpal, Advocate appears for respondent No.2 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 petitioner 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, greater 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.99 dated 30.08.2017 (Annexure P-1) under Sections 326 and 324 read with Section 34 of Indian Penal Code registered at Police Station Sarhali, District Tarn Taran and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

September 22, 2022

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**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No