

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

Date of Decision : 12.10.2022

CRM-M-47038-2019

Resham and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CRM-M-47058-2019

Amrik Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.S. Randhawa, Advocate for
Mr. Prabhdeep S. Dhanju, Advocate
for the petitioners in CRM-M-47038-2019
for respondents No.2 and 3 in CRM-M-47058-2019.

Mr. Tarun Sharma, Advocate
for the petitioners in CRM-M-47058-2019 and
for respondent No.2 in CRM-M-47038-2019.

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.140, dated 06.06.2017 registered for the offences punishable under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Ferozepur, District Ferozepur

and cross-case Rapat No.37 dated 07.06.2017 registered for the offences punishable under Sections 323, 148, 149 of the IPC (Section 308 added later on) of the same Police Station along with all subsequent proceedings arising therefrom.

2. On 25th of March, 2022, the matter was referred to the Court below for recording of statements of the parties (in both the cases) and to report w.r.t. genuineness of the compromise arrived at between them.

3. Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Ferozepur dated 04.05.2021 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows :-

“7. From the aforesaid statement of parties, it is concluded that :-

- i. The compromise entered into between the parties seems to be genuine and voluntary in any manner.
- ii. No accused is declared proclaimed offender in the present case.”

4. Since, it is a case of version and cross-version, the counsel who is representing the petitioners in one case, also represents the respondents in cross-version case. The parties to the dispute are co-villagers who have decided to bury their differences. Both counsels admit the fact of parties having compromised and state that they have no objection in case the FIR as well as Rapat 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.140, dated 06.06.2017 registered for the offences punishable under Sections 324, 323, 148 and 149 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Ferozepur, District Ferozepur and cross-case Rapat No.37 dated 07.06.2017 registered for the offences punishable under Sections 323, 148, 149 of the IPC (Section 308 added later on) of the same Police Station 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 12, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No