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

CRM-M-2534-2023
Date of decision : 14.09.2023

Deepak

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pushpinder Kaushal, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Ms. Himani, Advocate for
Ms. Lovepreet Kaur, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.409, dated 21.10.2022 registered for the offences punishable under Sections 379-B, 186, 353, 332, 427, 143 and 149 IPC, at Police Station City Ferozepur, District Ferozepur (Annexure P-1) on the basis of compromise.

2. On 24th of February, 2023, the following order was passed :-

“Learned counsel for the petitioner submits that compromise has been effected between the parties and relies upon judgments in “Vinod @ Boda Vs. State of Haryana, 2017(1) R.C.R. (Criminal) 571” and in “Beant Singh Vs. State of Punjab, 2022(4) R.C.R. (Criminal) 762.”

In view of the above, the parties are directed to appear

before the learned trial Court/Illaqa Magistrate within a period of 30 days from today.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

1. *Number of persons arraigned as accused;*
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 and what is the stage of proceedings?*

The report of the Illaqa Magistrate/trial Court be awaited for 26.04.2023.

Status report/reply on behalf of State be also filed on the adjourned date. ”

3. Pursuant to the aforesaid order, report from dated 15th of April, 2023 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“6. In view of the above circumstances, it is hereby reported as under :-

i. As per statement of ASI Ajmer Singh No.593/FZR P.S. City Ferozepur, there was only one person namely Deepak arraigned as accused in the present case.

ii As per statement of ASI Ajmer Singh No.593/FZR P.S.City Ferozepur, accused has not been declared proclaimed offender.

iii. As per the statement of parties, the compromise seems to be genuine, voluntary and without any coercion or undue influence.

iv. As per statement of ASI Ajmer Singh No.593/FZR P.S. City Ferozepur, as per record, accused was not involved in any other case.

v. As per statement of ASI Ajmer Singh No.593/FZR

P.S. City Ferozepur, as per record, Surjeet Singh is complainant/victim in the present case and Santosh Rani is eye witness/victim in the present case. Investigation is pending in the present case.”

4. Ld. Counsel appearing for respondents No.2 & 3 admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. However, State Counsel has submitted that the present quashing cannot be allowed as the petitioner has committed offence punishable under Section 186 IPC i.e. obstructing public servant in discharge of public functions, which is serious in nature and is not compoundable.

6. In response thereto, counsel for the petitioner relies upon judgment passed by Division Bench of this Court in **Vinod @ Boda and others vs. State of Haryana and another, 2017(1) RCR (Criminal)**, wherein Division Bench of this Court held as under :

“16. In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the 'society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.”

to submit that in the present case also as per the allegations levelled in the FIR it has come on record that the dispute was *prima facie* between the parties in their individual and private capacity as complainant admits that there was an altercation between him and the accused on 18th of October, 2022 which is cause of animosity.

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 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.409, dated 21.10.2022 registered for the offences punishable under Sections 379-B, 186, 353, 332, 427, 143 and 149 IPC, at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

September 14, 2023
Dpr (PANKAJ JAIN)
JUDGE

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