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

CRM-M-6967-2020
Date of decision : 25.07.2023

TARSEM PURI AND ORS

....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gopal S. Nahel, Advocate for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Ms. Nargis, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.3, dated 27.11.2014, registered for the offences punishable under Sections 420, 406, 467, 468, 471, 120-B of IPC, 1860 at Police Station NRI Sangrur, District Sangrur (Annexure P-1) on the basis of compromise.

2. On 17.02.2020, the following order was passed :-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for **8.7.2020**.

The parties are directed to appear before the Illaqa Magistrate/trial Court on **23.3.2020** for getting their statements recorded qua the factum of compromise.

The Illaqa Magistrate/trial Court is directed to submit its

report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:-

1. Whether there is any other accused other than the petitioners, arrayed in this petition?
2. Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?"

3. Pursuant to the aforesaid order, report from ACJM, Sangrur dated 29.10.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xxAfter recording the statements and after pursuing the record, it is apparent that the matter has been compromised between the parties. In light of their statements compromised between the parties is result of free volition of the parties and without any inducement, threat or pressure. Further, after perusing the case file of FIR in question and from the statements of parties, it is clear that except the accused persons namely Tarsem Puri, Darshan Singh, Baldev Singh, Kulwant Singh and Ranjit Singh, no other person had been arrayed as accused in the present case and except the complainant Gurjant Singh (through her special power of attorney holder namely Jaspal Kaur), there is no other affected/aggrieved party in the case.xxx”

4. Ld. Counsel appearing for respondent No.2 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 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 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.3, dated 27.11.2014, registered for the offences punishable under Sections 420, 406,

467, 468, 471, 120-B of IPC, 1860 at Police Station NRI Sangrur, District Sangrur (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

July 25, 2023
Dpr

(PANKAJ JAIN)
JUDGE

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