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

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CRM-M-11023-2023

Date of decision : 01.08.2023

Balwant Singh @ Pilla**..... Petitioner****versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Aman Joon, Advocate and
Mr. Rajiv Kataria, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

None for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.128 dated 20.08.2022, registered for offences punishable under Sections 420/406 of IPC at Police Station Anaj Mandi, District Patiala, on the basis of compromise/settlement dated 10.11.2022 (Annexure P-2).

2. On 02.03.2023, the following order was passed:-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.128 dated 20.08.2022 (Annexure P-1) under Sections 420/406 of IPC, registered at Police Station Anaj Mandi, District Patiala and all other consequential proceedings arising therefrom, on the basis of compromise dated 10.11.2022 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab puts in appearance and accepts notice on behalf of

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respondent No.1-State and seeks time to file reply, if any.

Let the parties to appear before the trial Court/Area Magistrate, as the case may be, on 17.03.2023 for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;
- (iii) status/stage of the trial/case;
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.

Report be sent through District and Sessions Judge, before the next date of hearing.

Adjourned to 01.08.2023.”

3. Pursuant to the aforesaid order, report dated 18.04.2023 from JMIC, Patiala has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

In view of above statements of the parties including statement of complaints as well as Investigating Officer ASI Randhir Singh, it is reported as follows:-

1. Only one person namely Balwant Singh is facing the trial in the FIR
2. No accused in declared as proclaimed offender.
3. The case is at compromise stage.

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4. Statements of complainants Jatinder Singh son of Lakhwinder Singh and Chinki daughter of Mahinder Singh as well as accused person with regard to compromise have been recorded on 17.3.2021.

5. Statement of Investigating Officer with regard to above mentioned points has been recorded on 13.4.2023.

Therefore, in view of the above statements of the parties, as well as Investigating Officer ASI Randhir Singh, it is reported that in the present case, it appears that the compromise is genuine, voluntary and without any coercion or undue influence and the same is arrived between the parties with their free Will. It is further submitted that there is only one accused person, named above, in the present case, who is not proclaimed offender. Accordingly, I hereby submit my report and the copies of the statements of the parties, named above, as well as, the copies of statement of Investigating Officer and the compromise/settlement deed are enclosed herewith for your kind perusal.”

4. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

5. I have heard learned counsel for the parties and have carefully gone through the records of the case.

6. 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

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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.

7. 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.

8. Consequently, the petition is allowed. FIR No.128 dated 20.08.2022, registered for offences punishable under Sections 420/406 of IPC at Police Station Anaj Mandi, District Patiala and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

01.08.2023

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Whether speaking/reasoned

Yes

Whether Reportable :

No