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

CRM-M-14267-2023
Date of decision : 10.10.2023

TARANVIR SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Naveen Sharma, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Prabhjayot S. Chahal, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.126 dated 26.11.2022, registered for the offences punishable under Sections 323, 324, 452, 506 IPC, at Police Station Payal, Police District Khanna, District Ludhiana (Annexure P-1) on the basis of compromise.

2. On 21.03.2023, the following order was passed :-

“Prayer in this petition is for quashing of FIR No.126 dated 26.11.2022, registered under Sections 323, 324, 452, 506 IPC, at Police Station Payal, Police District Khanna, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 10.03.2023 (Annexure P-2) having been arrived at between the parties.

Notice of motion.

Mr. M.S. Nagra, Asstt. Advocate General, Punjab has

appeared on behalf of respondent No.1-State and accepts notice.

Mr. Munish Gulati, Advocate for Mr.Prabhjayot Singh Chahal, Advocate has appeared and submitted his power of attorney on behalf of respondent No.2, which is taken on record and accepts notice on behalf of respondent No.2. Learned counsel for respondent No.2 admits to the factum of compromise arrived at between the parties.

List on 10.07.2023.

In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to compromise/settlement on 28.04.2023 or any other convenient date to the Court.

The trial Court/Area 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 FIR 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.”

3. Pursuant to the aforesaid order, report from SDJM, Payal, dated 04.07.2023 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“From the statements as recorded in the Court and from the documents, one accused was arrayed as accused in the FIR and he has never been declared as proclaimed offender. As per the statement of investigating officer, one FIR bearing no.45 of 2020 under Section 302

IPC, Police Station Doraha is pending against the accused person Taranvir Singh. It is further respectfully submitted that

there is only one victim/ complainant namely Gurjant Singh son of Ajit Singh. From the statements recorded with regard to compromise, I am of the view that the compromise is genuine, voluntary and without any coercion or undue influence.”

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 petitioner 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.126 dated 26.11.2022, registered for the offences punishable under Sections 323, 324, 452, 506 IPC, at Police Station Payal, Police District Khanna, District Ludhiana (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

October 10, 2023

Dpr

(Pankaj Jain)
Judge

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