

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

244

CRM-M-14934-2023
Date of decision : 21.07.2023

Dilpreet Kaur

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sukhtej Singh Sandhu, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

None for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., the petitioner is seeking quashing of FIR No.117 dated 04.11.2021, registered for offence punishable under Section 420 of IPC at Police Station Zira, District Ferozepur on the basis of panchayati compromise deed dated 20.02.2023 (Annexure P-2).

2. On 12.04.2023, the following order was passed:-

“The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.117 dated 04.11.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Zira, District Ferozepur and all consequential proceedings arising therefrom on the basis of compromise dated 20.02.2023 arrived between the parties.

Notice of motion.

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On the asking of the Court, Mr. Jaspal Singh Guru, Asstt. A.G., Punjab, who is present in the Court, has accepted notice on behalf of respondent No.1-State.

At this stage, Mr. Arshdeep Singh Brar, Advocate has appeared and accepted notice on behalf of respondent No.2 and filed his power of attorney in the Court which is taken on record.

Learned Counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate within 15 days from today or any other date convenient to the trial Court/Illaq Magistrate for recording their statements with regard to compromise/settlement subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, concerned. Trial Court/Illaq Magistrate is directed to submit a report before 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 case or not.
5. Current stage of the case.

List on 21.07.2023.”

3. Pursuant to the aforesaid order, report dated 01.05.2023 from JMIC, Zira has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

5. After going through the statements of the parties and on asking the parties, it is crystallized clear that the compromise has been arrived at genuinely and is made voluntarily and without any coercion or undue influence.

6. As per the statement of Investigating Officer, as per the statement of Investigating Officer, in the present FIR there is one victim/complainant namely Harshpinder Singh and one accused namely Dilpreet Kaur is involved in the present case. Both the victim/complainant as well as accused are party to the compromise in question. Accused and victim/complainant has effected complete compromise. As per the statement of Investigating Officer challan is not prepared in this case. As per the statement of Investigating Officer no proceeding regarding proclamation of any of accused is pending nor any accused is declared proclaimed offender. As per the statement of Investigating Officer, accused is not involved in any other FIR.”

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

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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.

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.117 dated 04.11.2021, registered for offence punishable under Section 420 of IPC at Police Station Zira, District Ferozepur and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

21.07.2023

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No