

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17253-2023 (O&M)
Date of decision : 10.10.2023

CHANAN ALIAS CHANAN SINGH ALIAS CHANNA AND ANR
....Petitioners

Versus

STATE OF PUNJAB AND ANR
....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Hitesh Verma, Advocate for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Shagun Thapar, Advocate for
Ms. Amrinder Kaur, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.33 dated 09.03.2023 registered for the offences punishable under Sections 324, 506 and 34 of the Indian Penal Code at Police Station Tappa Mandi, District Barnala (Annexure P-1) on the basis of compromise.

2. Short reply by way of affidavit of Gamdoor Singh, PPS, Deputy Superintendent of Police (Detective), Barnala, District Barnala has been filed on behalf of respondent No.1-State today in Court. The same is taken on record.

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

“Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No. 33 dated 09.03.2023

registered under Sections 324, 506 and 34 of the Indian Penal Code at Police Station Tappa Mandi, District Barnala and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners submits that the dispute has been amicably settled between the private parties in terms of the compromise (Annexure P-2).

Notice of motion.

Mr. P.S. Grewal, DAG Punjab, who is present in the Court accepts notice on behalf of respondent No. 1-State and seeks time to file reply/status report.

Ms. Amarinder Kaur, Advocate has put in appearance, filed power of attorney on behalf of respondent No. 2, which is taken on record, accepts notice on his behalf and admitted the factum of compromise.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial Court to get their statement(s) recorded with regard to compromise/settlement within a period of 30 days from today.

The learned 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 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. 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 apprise this Court about the stage of proceedings?*

The report of the Illaqa Magistrate/trial Court be awaited for 25.05.2023.

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

4. Pursuant to the aforesaid order, report from ACJM, Barnala dated 22.05.2023 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

- “1. The number of persons arrayed as accused in the FIR is two, namely, Chanan @ Chanan Singh and Satnam.
2. None of the accused is declared proclaimed offender.
3. The compromise between the parties is genuine, voluntary and without any coercion or undue influence.
4. The accused persons are not involved in any other case.
5. There is only one victim/ complainant namely Ranvir Singh and the present case is at investigation stage.”

5. 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.

6. Similarly Ld. State Counsel has stated no objection in case the FIR is quashed based upon the compromise.

7. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

8. 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.

9. 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.

10. Consequently, the petition is allowed. FIR No.33 dated 09.03.2023 registered for the offences punishable under Sections 324, 506 and 34 of the Indian Penal Code at Police Station Tappa Mandi, District Barnala (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

October 10, 2023

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No