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

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CRM-M-20914-2021

Date of decision : 11.10.2023

Gurmeet Singh and Another**..... Petitioners****versus****State of Punjab and Ors****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. L.S. Sidhu Advocate
for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Ishan Thakur, Advocate for respondents No.2 to 5.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.139, dated 16.12.1999, registered for the offences punishable under Sections 420, 467, 468, 471 (further added section 120-B) at Police Station Sahnewal, District Ludhiana, on the basis of compromise dated 25.03.2021 (Annexure P-6).

2. On 03.07.2023, the following order was passed:-

“Present petition is for quashing of FIR on the basis of compromise in FIR No.139 dated 16.12.1999. As per the records of the present case, the petitioners were tried for offences punishable under Sections 420/467/468/471 (further added Section 120-B) IPC and earned acquittal vide judgment dated 21.12.2018 passed by Judicial Magistrate First Class, Ludhiana. The said judgment has been taken in appeal by the complainant as well as by the State and during the pendency of the said appeals, the parties i.e. the complainant as well as the accused persons have entered into compromise which has been placed on record as Annexure P-6.

In view of above, the parties are directed to appear before the Appellate Court on the next date of hearing on 05.08.2023. On their doing so, the Court shall record their statements to the following effect :-

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender?

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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.*

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Appellate Court shall be at liberty to call the parties on any other date but not later than a week thereafter.

Adjourned to 11.10.2023.”

3. Pursuant to the aforesaid order, report dated 07.08.2023 from learned Additional District & Sessions Judge, Ludhiana has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“The said FIR was registered against accused Gurmeet Singh son of Harbhajan Singh, Raghubir Singh son of Jagir Singh, Bhag Singh son of Ralla Singh, Harbhajan Singh son of Jagir Singh and Gurpreet Singh son of Harbhajan Singh and during the trial before the Trial court accused Harbhajan Singh, Raghubir Singh and Bhag Singh died and proceedings against them stand abated and accused Gurmeet Singh and Gupreet Singh faced the trial. None of the accused have been declared proclaimed offender in the present case and no other case is registered or pending against Gurmeet Singh and Gurpreet Singh. Parveen Singh Gurm, Satinder Singh Gurm sons of Late S. Sher Singh Gurm, Gurdarshan Kaur Gurm and Simran Kaur Gurm daughters of Late S. Sher Singh Gurm (Legal representative of complainant Late Smt. Charanjit Kaur wd/o of Late S. Sher Singh Gurm) appeared and suffered the statement that FIR No. 139 dated 16.12.1999 u/s 420, 467, 468, 471 & 120- B IPC, P.S. Sahnewal, Ludhiana was got lodged by their mother namely Charanjit Kaur wife of Late S. Sher Singh Gurm against accused Gurmeet Singh son of Harbhajan Singh, Raghubir Singh son of Jagir Singh, Bhag Singh son of Ralla Singh, Harbhajan Singh son of Jagir Singh and Gurpreet Singh son of Harbhajan Singh and during the trial before the Trial court accused Harbhajan Singh, Raghubir Singh and Bhag Singh died and proceedings against them stand abated and accused Gurmeet Singh and Gupreet Singh faced the trial and the Trial Court has decided the said matter on 21.12.2018 and there-after their deceased mother filed one appeal and present appeal has been filed by the State against the said judgment of the Trial Court. During the pendency of the appeal their mother expired on 05.03.2020. Now they being 1st Class legal heirs of Charanjit Kaur have compromised the matter with accused Gurmeet Singh and Gurpreet Singh. The said compromise is duly reduced into writing, which is Ex. CA dated 25.03.2021. The said compromise has been executed voluntarily and without any

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coercion and without any undue influence and free will. Accused Gurmeet Singh and Gurpreet Singh appeared and suffered the statement that an FIR No. 139 dated 16.12.1999 u/s 420, 467, 468, 471 & 120-B IPC, PS. Sahnewal, Ludhiana was registered against them on the complaint of Charanjit Kaur wife of Late S. Sher Singh Gurm. During the pendency of the appeal complainant expired on 05.03.2020. Now they have compromised the matter with legal heirs of Charanjit Kaur complainant. The said compromise is duly reduced into writing, which is Ex. CA dated 25.03.2021. The said compromise has been executed between them and Legal heirs of complainant Charanjit Kaur (since deceased) voluntarily and without any coercion and without any undue influence and free will. From their statements it appears that the compromise between the parties is genuine and without any pressure from any corner and coercion. Copies of their statements recorded in the court are attached herewith for your kind perusal.”

4. Learned counsel for respondent Nos.2 to 5 and 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. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

6. I have heard learned 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.139, dated 16.12.1999, registered for the offences punishable under Sections 420, 467, 468, 471 (further added section 120-B) at Police Station Sahnewal, District Ludhiana and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

11.10.2023
mahima

(PANKAJ JAIN)
JUDGE

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