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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-18634-2023
Date of Decision: 21.09.2023****Amit Nanda and Others Petitioners****Versus****State of Punjab and another Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN****Present:** Mr. Mandeep Singh Gill, Advocate for
Mr. ADS Jatana, Advocate, for the petitioners

Mr. Kunal Vinayak, AAG, Punjab.

Ms. Anisha Batra, Advocate for
Mr. Sangram Singh Saron, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.86, dated 19.04.2019 registered for the offences punishable under Sections 406/120-B IPC, (later on added Section 420 IPC) at Police Station Khanna City, Police District Khanna, Revenue District Ludhiana, on the basis of compromise dated 30.03.2023 (Annexure P-2).

2. On 17.04.2023, the following order was passed:-

“The present petition has been filed for quashing of FIR No.86, dated 19.04.2019 (Annexure P-1), registered at Police Station Khanna City, Police District Khanna, Revenue District Ludhiana, under Section 406 & 120- B IPC (Section 420 IPC added later on) on the basis of compromise dated 30.03.2023 (Annexure P-2).

Notice of motion.

Mr. Kamalpreet Bawa, AAG, Punjab, accepts notice on behalf of respondent No.1 and waives service.

Mr. Shoryaveer Vashist, Advocate for Mr. Sangram S. Saran, Advocate puts in appearance and accepts notice on behalf of respondent No.2.

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

The parties are directed to appear before the trial Court/IlalaqaMagistrate on 25.05.2023 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Ilalaqa Magistrate shall send a report to this Court regarding genuineness of the compromise between them well before the next date of hearing.

Adjourned to 14.07.2023”.

3. However, accused namely Mohd. Shahid Khan and Harbans Singh could not appear, as they are stated to be residing abroad. Vide order dated 14.07.2023, Mr. Harbans Singh, petitioner No.7 is granted liberty to move an appropriate application before the trial Court to get his statement recorded through video conferencing.

4. Thereafter, report dated 25.08.2023 of the trial Court was received, in compliance of order dated 14.07.2023, which is as follows:-

“In compliance of said order. it is further submitted that CRM-M-25646-2023 in/and 18634-2023 titled as Amit Nanda and other Versus State of Punjab and another” called vide order dated 14.07.2023 accused Mohd. Shahid Khan appeared before the court on 13.08.2023 and the accused namely Harbans Singh has appeared (through Video Conferencing). Accused persons vide their separate statements stated that they are one of the accused of present case ie. FIR no. 86 dated

19.04.2019 us 406.420,120B IPC PS City Khanna. The present case was registered on the basis of the statement of complainant Alamjit Singh Mann made to the police against them and other accused persons naamley Amit Nanda, Pawan Kumar Sharma, Dashmesh Singh. Vishnu Goyal Gurmeet Singh Mehrok @ Vikram Singh Mehrok, Rakesh Kumar, Daljit Singh, Puneet Kumar, Tribhuvan Sharma and Sanjiv Khanna, Now, they have amicably compromised the matter with the complainant with the intervention of respectables. They have compromised the matter with complainant voluntarily, genuine, without any coercion or undue influence. The notarized copy of compromise dated 30.03.2021 Ex-C1 (already registered) and they identified their signatures on the same. They further requested to quash the present FIR against them. As proof of identification they have produced on record photocopy of their aadhaar card as Mark L and Mark M. It is pertinent to mention here that statement of complainant Alamjit Singh and accused namely Amit Nanda, Pawan Kumar Sharma Dashmesh Singh. Vishnu Goyal, Gurmeet Singh Mehrok @ Vikram Singh Mehrok. Rakesh Kumar, Daljit Singh. Puneet Kumar, Tribhusan Sharma and Sanjiv Khanna were recorded qua compromise between them by Ms Mehima Bhuler, Ld JMIC Khanna on 25.05.2023 being Duty Magistrate in lieu of order dated 17.04.2023 passed by Hon'ble Punjab and Haryana High Court where trial court/ Ilqa Magistrate was also directed to report regarding the genuineness of the compromise between the parties and Ms Mehima Bhuler, Ld JMIC Khanna sent the statement of complainant Alamjit Singh and aforesaid accused persons namely Amit Nanda, Pawan Kumar Sharma, Dashmesh Singh, Vishnu Goyal, Gurmeet Singh Melu @Vikram Singh Mehrok, Rakesh Kumar,

Daljit Singh, Puneet Kumar, Tribhuvan Sharma and Sanjiv Khanna to the Hon'ble High Court but she has not reported regarding the genuineness of compromise between the parties as accused namely Mohd. Shahid Khan and Harbans Singh had not appear before her on 20.05.2023 and whose statements have been recorded by the undersigned in lieu of order dated 14.07.2023 passed by Hon'ble Punjab and Haryana High Court in CRM-256646-2023.

5. Learned counsel appearing on behalf of respondent No.2 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.

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

7. I have heard learned 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.86, dated 19.04.2019 registered for the offences punishable under Sections 406/120-B IPC, (later on added Section 420 IPC) at Police Station Khanna City, Police District Khanna, Revenue District Ludhiana, on the basis of compromise dated 30.03.2023 (Annexure P-2) and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

21.09.2023
Deepak Patwal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No