

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

**CRM-M-24899 of 2022
DATE OF DECISION :- 19.09.2023**

Sharanjit Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Saurav Bhatia, Advocate for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Lalit, Advocate for respondent No. 2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No. 168 dated 1.7.2021 registered for the offence punishable under Sections 465, 467, 468, 471, 177 of the Indian Penal Code, at Police Station City Nawanshahar, District SBS Nagar, on the basis of compromise dated 2.8.2023.

2. On 9.8.2023 the following order was passed:-

“CRM-33074-2023

This is an application for placing on record compromise dated

02.08.2023 (Annexure P-6), which is stated to be executed between the petitioners and the complainant. Notice in the application. Mr. Lalit, who is present in Court accepts notice on behalf of the respondent No.2 and admits the fact of there being a compromise between the parties. For the reasons mentioned in the application, the same is allowed.

CRM-33075-2023

Prayer in this application is for issuance of directions to the learned trial Court to record the statements of the petitioners and respondent No.2, in view of the compromise dated 02.08.2023 arrived at between the parties.

For the reasons mentioned in the application, the same is allowed.

Keeping in view the fact that parties are ad idem that they have now compromised the matter, let the parties appear before learned Illaqa Magistrate/trial Court on 11.08.2023.

On their doing so, the learned Illaqa Magistrate/trial Court/Duty Magistrate shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

- 1. Number of persons arrayed as accused in the 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.*

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 Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week

thereafter.

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For awaiting report, adjourned to 19.09.2023.”

3. Pursuant to the aforesaid order, report from Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar dated 17.8.2023 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“a) that as per the statement of the IO/ASI Satnam Singh only two accused persons namely Sharanjit Kaur w/o Sucha Singh and Maninderjit Kaur d/o Late Jujhar Singh have been arrayed as accused in the present case;

b) that as per the statement of the IO/ASI Satnam Singh, no accused has been declared as proclaimed offender in this case;

c) that on the basis of statements suffered before this Court by the parties, this Court is of the considered view that the compromise entered between the parties i.e. the complainant Manjit Kaur and accused persons namely Sharanjit Kaur and Maninderjit Kaur is genuine, voluntary and without any coercion or undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties.

d) that as per the statement of the IO/ASI Satnam Singh, the accused are not involved in any other case, and

e) that as per the statement of the IO/ASI Satnam Singh, Manjit Kaur is the only victim/aggrieved person in the present case and her statement regarding compromise has been recorded.”

4. Mr. Lalit, Advocate appears for 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.

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. 168 dated 1.7.2021 registered for the offence punishable under Sections 465,467,468, 471,177 of the Indian Penal Code, at Police Station City Nawanshahar, District SBS Nagar and all proceedings arising therefrom, are, hereby quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

19.09.2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No