

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

CRM-M-24021-2023

Date of decision : 25.07.2023

GURJANT SINGH @ JANTA

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Akhil S. Arora, Advocate for
Ms. Jaspreet Kaur, Advocate for respondent No2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.38, dated 29.03.2023 registered for the offences under Sections 382, 511, 427 of the IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) on the basis of compromise.

2. On 11.05.2023, the following order was passed :-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.38, dated 29.03.2023 (Annexure P-1), under Sections 382, 511, 427 of the IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran, with all subsequent proceedings arising therefrom, on the basis of compromise dated 03.05.2023 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent No.1-State.

Ms. Jaspreet Kaur, Advocate has put in appearance on

behalf of respondent No.2 and has filed Vakalatnama. He admits the factum of compromise entered into between the parties.

List on 19.07.2023.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;
- (ii) Whether any accused is declared as proclaimed offender?
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?
- (iv) Whether the accused persons are involved in any other FIR or not? ”

3. Pursuant to the aforesaid order, report from ACJM, Tarn Taran, dated 29.05.2023 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“1. As per the statement of Investigating Officer, there is only one person, namely Gurjant Singh @ Janta who is arrayed as accused in the First Information Report in question.

2. As per the statement of Investigating Officer, the accused has not been declared Proclaimed Offender.

3. As per the statement of the Investigating Officer and the parties to the petition, the compromise effect between the parties appears to be genuine, voluntary and without any coercion or undue influence.

4. As per the statement of the Investigating Officer, the accused is not involved in any other case/First Information Report at present.”

4. 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 petitioner are quashed.

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

6. I have heard Ld. 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.38, dated 29.03.2023 registered for the offences under Sections 382, 511, 427 of the IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

July 25, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No