

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

**CRM-M-24180-2023**  
**Date of decision : 07.07.2023**

**SUKHJIT SINGH**

....Petitioner

Versus

**STATE OF PUNJAB AND ANOTHER**

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present :    Mr. Mitul S. Rana, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Ms. Nisha Rana, Advocate for respondent No.2.

**PANKAJ JAIN, J. (ORAL)**

By way of present petition, the petitioner is seeking quashing of FIR No.0057, dated 04.10.2014, registered for the offences punishable under Sections 326, 324, 323, 148, 149 of the IPC, 1860 and under Sections 25, 27 of Arms Act, 1959 at Police Station Garhdiwala, District Hoshiarpur (Annexure P-1) on the basis of compromise.

2.            On 12.05.2023, the following order was passed :-

“The petitioner(s) arraigned as accused in the FIR captioned below, has come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

2.            Counsel appearing for the private respondent(s) states on instructions that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

3.            Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 29.05.2023, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before

the next date fixed in this court:

|                                      |                                                                                                                 |                               |                                                          |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------|
| Name of the reporting Court          |                                                                                                                 |                               |                                                          |
| FIR No.                              | Dated                                                                                                           | Police Station                | Sections                                                 |
| 57                                   | 10.04.2014                                                                                                      | Garhdiwala, Distt. Hoshiarpur | 326, 324, 323, 148, 149 IPC and 25, 27 of Arms Act, 1959 |
| Criminal Case no. before trial Court |                                                                                                                 |                               |                                                          |
| 1                                    | Names of the complainant/ victims(s)/ aggrieved persons(s)                                                      |                               | Yes/No                                                   |
| 2                                    | Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded              |                               | Yes/No                                                   |
| 3                                    | Has the identity of the complainant/ victims (s)/ aggrieved persons(s) been verified?                           |                               | Yes/No                                                   |
| 4                                    | Whether all the victims/ all the aggrieved persons have compromised the matter?                                 |                               | Yes/No                                                   |
| 5                                    | Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/ complainant?                     |                               | Yes/No                                                   |
| 6                                    | Names of the accused person(s)                                                                                  |                               | Yes/No                                                   |
| 7                                    | Dates on which the statement(s) of the accused persons(s) recorded                                              |                               | Yes/No                                                   |
| 8                                    | Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised. |                               | Yes/No                                                   |
| 9                                    | Whether proclamation proceedings are pending against any accused?                                               |                               | Yes/No                                                   |
| 10                                   | Has the police report been filed or not?                                                                        |                               | Yes/No                                                   |
| 11                                   | Notice of accusation /Charges have been framed or not?                                                          |                               | Yes/No                                                   |
| 12                                   | Sections of statutes invoked in the matter                                                                      |                               | Yes/No                                                   |
| 13                                   | Whether the court is satisfied with the genuineness of the compromise?                                          |                               | Yes/No                                                   |

4.        *There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.*

**List on 07.07.2023. ”**

3.        Pursuant to the aforesaid order, report from JMIC, Dasuya, District Hoshiarpur dated 19.06.2023 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“

|    |                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                               |
|----|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | Names of the complainant/ victims(s)/ aggrieved persons(s)                                                      | Ravinderpal Singh S/o Sukhvir Singh                                                                                                                                                                                                                                                                                                                           |
| 2  | Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded              | 22.05.2023                                                                                                                                                                                                                                                                                                                                                    |
| 3  | Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?                            | Yes.                                                                                                                                                                                                                                                                                                                                                          |
| 4  | Whether all the victims/ all the aggrieved persons have compromised the matter?                                 | Yes.                                                                                                                                                                                                                                                                                                                                                          |
| 5  | Is there pressure, threat, or coercion upon the victim (s)/aggrieved person(s)/ complainant?                    | No.                                                                                                                                                                                                                                                                                                                                                           |
| 6  | Names of the accused person(s)                                                                                  | 1. Jaskaran Singh S/o Onkar Singh<br>2. Sukhjit Singh @ Bobby S/o Hardeep Singh<br>3. Gurdev Singh @ Rimpa (since died) S/o Manohar Singh<br>4. Pardeep Singh @ Chiru S/o Baljit Singh<br>5. Ravinder Singh @ Baba S/o Joginder Singh                                                                                                                         |
| 7  | Dates on which the statement(s) of the accused persons(s) recorded                                              | 22.05.2023                                                                                                                                                                                                                                                                                                                                                    |
| 8  | Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised. | Yes.<br><br>Proceedings against accused Pardeep Singh and Jaskaran Singh are already quashed vide order dated 22.09.2022 passed in CRM-M No.53619 of 2019 by Hon'ble P&H High Court. Accused Gurdev Singh is already died and accused Ravinder Singh is already convicted vide judgment dated 12.06.2019 passed by Ms. Ekta Sahota the then Ld. CJJD, Dasuya. |
| 9  | Whether proclamation proceedings are pending against any accused?                                               | No.                                                                                                                                                                                                                                                                                                                                                           |
| 10 | Has the police report been filed or not?                                                                        | Yes.                                                                                                                                                                                                                                                                                                                                                          |
| 11 | Notice of accusation / Charges have been framed or not?                                                         | Yes.                                                                                                                                                                                                                                                                                                                                                          |
| 12 | Sections of statutes invoked in the matter                                                                      | Section 326, 323, 324, 148 & 149 of IPC and 25-57 of Arms Act 1959                                                                                                                                                                                                                                                                                            |
| 13 | Whether the court is satisfied with the genuineness of the compromise?                                          | Yes.                                                                                                                                                                                                                                                                                                                                                          |

”

4. The aforesaid report reveals that there are five accused persons namely Jaskaran Singh, Sukhjit Singh @ Bobby, Gurdev Singh @ Rimpa, Pardeep Singh @ Chiru, Ravinder Singh @ Baba. However, proceedings against accused Pardeep Singh and Jaskaran Singh already stand quashed vide order dated 22.09.2022 passed by this Court in CRM-M No.53619 of 2019. Accused Gurdev Singh is already died and accused Ravinder Singh stands convicted vide judgment dated 12.06.2019 passed by CJJD, Dasuya. The compromise has only been effected with the present petitioner namely Sukhjit Singh.

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 petitioner 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 29<sup>th</sup> 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. Since the parties are *ad idem* that the compromise/settlement has to be read strictly *inter se* between the parties to the present petition and as per report of the Trial Court proceedings against accused namely Pardeep Singh and Jaskaran Singh already stand quashed. Accused Gurdev Singh has unfortunately died and accused Ravinder Singh already stands convicted by the Trial Court and it is only the petitioner namely Sukhjit Singh who has approached this Court by way of present petition, the present petition is being entertained and allowed *qua* petitioner-Sukhjit Singh only.

11. The question raised by State counsel as to whether the FIR can be quashed in part or not already stands answered by Apex Court in '**Lovely Salhotra and another vs. State (NCT of Delhi)**' reported as **(2018) 12 SCC 391**, wherein it was observed as under:-

“xx xx xx

*We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants – herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 – herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie.”*

12. Consequently, the petition is allowed. FIR No.0057, dated 04.10.2014, registered for the offences punishable under Sections 326, 324, 323, 148, 149 of the IPC, 1860 and under Sections 25, 27 of Arms Act, 1959 at Police Station Garhdiwala, District Hoshiarpur (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

**July 07, 2023**  
**Dpr**

**(Pankaj Jain)**  
**Judge**

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