

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

CRM-M-25419-2023

Date of decision : 06.09.2023

SUKHJEET SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Kudrat Sareen, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Abhinav Singh, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.18 dated 13.03.2022, registered for the offences punishable under Sections 279, 337 and 338 IPC (added lateron), at Police Station Sadar Banga, District SBS Nagar (Annexure P-1) on the basis of compromise.

2. On 18.05.2023, the following order was passed :-

“Prayer in the present petition preferred under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.18 dated 13.03.2022, registered under Sections 279, 337 and 338 IPC (Section 338 IPC added lateron), at Police Station Banga, District SBS Nagar alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 02.03.2023, arrived at between the parties.

Notice of motion

On the asking of the Court, Mr. Dhruv Dayal, Addl. AG,

Punjab accept notice on behalf of respondent No.1. Mr. Abhinav Singh, Advocate has appeared on behalf of respondent No.2 and has filed his power of attorney. Learned counsel for respondent No.2 admits to the factum of compromise arrived at between the parties.

List on 06.09.2023.

In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to the compromise/settlement on 13.07.2023 or on any other date convenient to the Court.

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

1. The number of persons arrayed as accused.
2. Whether any accused is/are proclaimed offender/s or proclaimed person/s.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other FIR/criminal case.
5. The trial Court is also directed to record the statement of the Investigating Officer with regard to the number of victims/ complainants and the accused in the present case.”

3. Pursuant to the aforesaid order, report from Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, dated 08.08.2023 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“3. On the basis of said statements, the report is submitted, as under, for the kind consideration of the Hon'ble High Court please :

- a) that as per the statement of the IO/ASI Ravinder

Kumar, only one accused namely Sukhjeet Singh son of Balwinder Singh has been arrayed as accused in the present case;

- b) that as per the statement of the IO/ASI Ravinder Kumar, no accused has been declared as proclaimed person 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 ASI Jaspal and accused Sukhjeet Singh 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 Ravinder Kumar, accused Sukhjeet Singh facing trial before this Court is not involved in any other FIR/criminal case; and
- e) that as per the statement of the IO/ASI Ravinder Kumar, ASI Jaspal is the only victim/complainant in the present case. Similarly, accused Sukhjeet Singh is the only accused in this present case.”

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.18 dated 13.03.2022, registered for the offences punishable under Sections 279, 337 and 338 IPC (added lateron), at Police Station Sadar Banga, District SBS

Nagar (Annexure P-1) and all proceedings arising therefrom, are, hereby,
quashed *qua* the petitioner.

September 06, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No