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

**CRM-M-29875-2019**  
**Date of decision : 09.10.2023**

RAJINDERPAL SINGH AND ANOTHER ....Petitioners

Versus

STATE OF PUNJAB AND OTHERS ....Respondents

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

Present : Mr. K.B. Raheja, Advocate for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Pardeep Kumar Kapila, Advocate  
for respondent Nos.2 to 5.

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

By way of present petition, the petitioner is seeking quashing of FIR No.69 dated 5<sup>th</sup> of May, 2014, registered for the offences punishable under Sections 420, 465, 467, 468, 471 & 120-B IPC, 1860 at Police Station Cantt. Ferozepur, District Ferozepur (Annexure P-1) on the basis of compromise.

2. Status report by way of affidavit of Surinder Pal, PPS, Deputy Superintendent of Police (City) Ferozepur has been filed on behalf of respondent No.1 today in Court. The same is taken on record.

3. On 17<sup>th</sup> of July, 2019, the following order was passed :-

“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 69 dated 05.05.2014, registered under Section

(s) 420, 465, 467, 468, 471 & 120-B IPC at Police Station Cantt. Ferozepur, District Ferozepur on the basis of compromise dated 06.06.2019 (Annexure P2).

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables.

Notice of motion.

On asking of the Court, Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent (s) No. 1. Mr. Harsh Raheja, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 to 5 and affirmed the fact of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 31.07.2019 for getting their statements recorded with regard to the compromise arrived at between them. The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 23.08.2019. ”

4. Pursuant to the aforesaid order, report from CJM, Ferozepur dated 5<sup>th</sup> of August, 2019 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“From the aforesaid statements, it is concluded that the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner and that the compromise effected between the parties is genuine and valid. It is further submitted that there are total three accused in the present FIR namely Rajinderpal Singh son of Resham Singh

and Upkar Singh son of Rajinder Singh ( Petitioners/facing trial) and Amandeep Kumar son of Bhagwan Dass Kamboj (Proclaimed Offender). Accused Amandeep Kumar son of Bhagwan Dass Kamboj is Proclaimed Offender in the present FIR. It is submitted that there is also one another accused person namely Jarnail Singh alias Fauji son of Ajit Singh against whom challan has not been presented but he has been kept in column no.2 of the report under Section 173 Cr.P.C.”

5. The aforesaid report reveals that there are **three** accused persons namely Rajinderpal Singh, Upkar Singh and Amandeep Kumar. However, the compromise has only been effected with accused-petitioners Rajinderpal Singh and Upkar Singh.

6. Ld. Counsel appearing for respondents No.2 to 5 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 present petitioners are quashed.

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

8. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

9. 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.

10. 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.

11. 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 the complainant wants to pursue prosecution of rest of accused, namely, Amandeep Kumar and it is only Rajinderpal Singh and Upkar Singh who have approached this Court by way of present petition, the present petition is being entertained and allowed *qua* Rajinderpal Singh and Upkar Singh only.

12. 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.”*

13. Consequently, the petition is allowed. FIR No.69 dated 5<sup>th</sup> of May, 2014, registered for the offences punishable under Sections 420, 465, 467, 468, 471 & 120-B IPC at Police Station Cantt. Ferozepur, District Ferozepur (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners namely Rajinderpal Singh and Upkar Singh.

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|---------------------------|----------------------|
| <b>October 09, 2023</b>   | <b>(Pankaj Jain)</b> |
| <b>Dpr</b>                | <b>Judge</b>         |
| Whether speaking/reasoned | : Yes/No             |
| Whether reportable        | : Yes/No             |