

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.32523 of 2023 (O&M)

Date of decision : 09.08.2023

Dharmvir Singh

....Petitioner

Versus

State of Punjab & anr.

....Respondents

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

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Present : Mr. Rahul Sharma, Advocate  
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

Mr. Arjun Chaudhary, Advocate  
for respondent No.2.

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

1. By way of present petition, the petitioner is seeking quashing of case/FIR No.117 dated 17.07.2021 registered for the offences punishable under Sections 420/406/120-B IPC at Police Station Doraha, District Khanna on the basis of compromise dated 03.07.2023 (Annexure P-2).

2. On 10.07.2023, the following order was passed :

*“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioner seeking quashing of FIR No.117, dated 17.07.2021, registered for offences punishable under Sections 420, 406, 120-B of the Indian Penal Code, 1860 at Police Station Doraha, District Khanna and all subsequent proceedings arising thereto on the basis of compromise.*

*Notice of motion.*

*Accordingly, the parties are directed to appear before the Mediation & Conciliation Centre, on 24.07.2023 to get the statements recorded and to report about authenticity of the compromise.*

*To await the report of Ld. Mediator, list on 09.08.2023”*

3 Pursuant to the aforesaid order, report from the Mediator has been received, as per which the complainant as well as the accused both have recorded separate statements admitting the factum of compromise.

4 Learned counsel 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, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise dated 03.07.2023 (Annexure P-2).

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 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.*

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. Case/FIR No.117 dated 17.07.2021 registered for the offences punishable under Sections 420/406/120-B IPC at Police Station Doraha, District Khanna and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

**09.08.2023**

*Pooja sharma-I*

**(PANKAJ JAIN)**  
**JUDGE**

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