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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.33738 of 2023
Date of decision : 28.11.2023**

Beant Kaur @ Kulwinder Kaur

....Petitioner

Versus

State of Punjab and anr.

.....Respondents**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN*********Present : Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG Punjab.

Mr. Dara Singh, Advocate
for respondent No.2.*********PANKAJ JAIN, J. (ORAL)**

1 By way of present petition, the petitioner is seeking quashing of FIR No.31 dated 18.05.2018, registered under Sections 380, 420, 467, 468, 471 IPC, at Police Station Joga, District Mansa, and all consequent proceedings arising therefrom on the basis of compromise.

2 On 17.08.2023, the following order was passed:

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. The petitioner is seeking quashing of FIR No.31 dated 18.05.2018, registered for offences punishable under Sections 380, 420, 467, 468 and 471 of IPC, at Police Station Joga, District Mansa all subsequent proceedings arising thereto on the basis of compromise.

Short reply by way of affidavit of Manoj Gors, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa has been filed on behalf of respondent No.1-State. The same is taken on

record.

Learned counsel for the petitioner contends that the matter already stands compromised vide compromise deed dated 23.06.2023 (Annexure P-2).

Mr. Dara Singh, Advocate appears on behalf of respondent No.2 and admits the fact of there being compromise between the parties.

*In view of the above, the parties are directed to appear before learned Illaqa Magistrate/trial Court on **21.09.2023**.*

On their doing so, the learned Illaqa Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other case or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

List on 28.11.2023.

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

3 Pursuant to the aforesaid order, report dated 17.10.2023 from Chief Judicial Magistrate, Mansa has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“ I have honor to submit that vide order dated 17.08.2023 passed in CRM-M-33738 of 2023 titled as Beant Kaur @ Kulwinder Kaur Vs. State of Punjab and Another by the Hon’ble High Court, the undersigned was directed to record the statements of the parties with regard to compromise

and send the reports on the following points on or before 28.11.2023.

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other case or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

Complainant Dara Singh son of Bhag Singh son of Prem Singh, resident of Village Joga, Tehsil and District Mansa, has suffered a statement to the effect that a complaint was made by him against the accused namely Beant Kaur and on basis of same, the FIR No.31 dated 18.05.2018, u/ss 380, 420, 467, 468, 471 IPC, Police Station Joga, was registered against accused Beant Kaur daughter of Rangi Singh, resident of Village Joga, now wife of Balbir Singh son of Kaka Singh, resident of Sehna, now at Joga. Now, with the intervention of respectable persons of the society, friends, they have entered into compromise with each other and he does not want to pursue this case any other. He has no objection if the quashing petition filed by the accused before the Hon’ble High Court is accepted. He is deposing in the Court with his own will and free mind without any coercion or without any influence.

Accused Beant Kaur daughter of Rangi Singh, resident of Village Joga, now wife of Balbir Singh son of Kaka Singh, resident of Sehna, now at Joga, has also suffered her statement to the effect that the FIR No.31 dated 18.05.2018, u/ss 380, 420, 467, 468, 471 IPC, Police Station Joga, was registered against her, on the statement of Dara Singh complainant. Now, with the intervention of respectable persons of the society, friends, she has entered into compromise with complainant Dara Singh. She is deposing in the Court with her own will, free mind without any pressure, coercion and without any undue influence.

ASI Gurtej Singh No.452/Mansa, Police Station, City Rampura, has suffered a statement to the effect that he is Investigating Officer of this case bearing FIR No.31 dated 18.05.2018, u/ss 380, 420, 467, 468, 471 IPC, Police Station, Joga, There is only one accused in this case namely Beant Kaur. No accused has been declared proclaimed person in this case. The accused is not involved in any other. However, a case bearing No.102 date 23.12.2017 had been registered against the accused Beant

Kaur in Police Station, Joga u/ss 452, 506, 323, 34 IPC, in which, she had been acquitted by the Court. There is only one complainant/victim in this case.

It is further submitted that from the statements of the parties, it appears that compromise has been voluntarily entered between the complainant and accused Beant Kaur. The compromise appears to be genuine and without any pressure or coercion. As per report of IO/ASI Gurtej Singh No.452/Mansa, there is only one accused in this case namely Beant Kaur. No accused has been declared as proclaimed person in this case. The accused is not involved in any other. However, a case bearing FIR No.102 dated 23.12.2017 had been registered against the accused Beant Kaur in Police Station Joga, u/ss 452/506/323/34 IPC, in which, she had been acquitted by the Court. There is only one complainant/victim in this case.

The report alongwith copy of statement of parties is submitted as desired, for kind consideration.”

4 Learned counsel for respondents 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 is quashed.

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

6 I have heard learned Counsel for the parties and have carefully gone through the records of the case.

7 This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding in non-compoundable offences in the cases of ***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 much wide and is 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) i.e. heinous offence.*
- (ii) *The offences alleged 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 is reported to have entered into compromise on his own volition.*

9 Consequently, the petition is allowed. FIR No.31 dated 18.05.2018, registered under Sections 380, 420, 467, 468, 471 IPC, at Police Station Joga, District Mansa and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

28.11.2023
spn

(PANKAJ JAIN)
JUDGE

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