

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

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**CRM-M-39858-2023
Date of decision : 31.10.2023**

Amandeep Singh @ Aman

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Kunwar Bir Singh, AAG, Punjab.

Mr. Paramjit Kumar, Advocate for
Mr. T.S. Hundal, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.99 dated 13.07.2023, registered for the offences punishable under Sections 279/337/338/427 of IPC at Police Station Nathana, District Bathinda on the basis of panchayati compromise dated 02.08.2023 (Annexure P-2).

2. On 16.08.2023, 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.99 dated 13.07.2023, registered for offences punishable under Sections 279/337/338/427 of the Indian Penal Code, at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner contends that the matter already stands compromised vide

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compromise dated 02.08.2023 (Annexure P-2).

Notice of motion for **31.10.2023**.

On the asking of the Court, Mr. Amit Shukla, Asst. A.G., Punjab accepts notice on behalf of respondent No.1-State. Mr. T.S.Hundal, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties, i.e. the petitioner as well as respondent No.2 are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 04.09.2023. On their doing so, the learned Duty Magistrate/Illaq 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.

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 Illaq 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 21.09.2023 from JMIC, Bathinda has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

“It is respectfully submitted that on 04.09.2023 petitioner/ accused Amandeep Singh @ Amna son of Gurjit Singh resident of village Lehra Khana, Tehsil Nathaha, Distt. Bathinda appeared and suffered statement that on the statement of complainant Lakhvir Singh, FIR No. 99 dated 13.07.2023 under Sections 279/337/338/427 of IPC, PS Nathana, Bathinda was registered against him. He has compromised the matter with complainant Lakhvir Singh voluntarily, without any pressure or coercion or undue influence or misrepresentation or fraud with the intervention of respectables. No other case is pending against him nor he is previously convicted in any case except the present FIR. He is not involved in any other criminal case nor he has been declared proclaimed offender in any other one. Now, he has no grudge against the said complaint. Therefore, above said FIR against him may be quashed on the basis of compromise between the parties. He has produced the copy of his Adhar Card as a token of his identity which is Annexure P2.

It is father respectfully submitted that on the said date i.e. on 04.09.2023 respondent/complainant Lakvir Singh son of Bahal Singh son of Amar Singh resident of village Lehra Khana, Tehsil Nathana, Distt. Bathinda also appeared and suffered statement that on his statement, FIR No. 99 dated 13.07.2023 under Sections 279-337/338/427 of IPC, PS Nathana, Bathinda was registered against accused person

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namely Amandeep Singh @ Amna. With the intervention of respectables, he has compromised the matter amicably and settled all his disputes with the accused person. The compromise is effected with his own free will and without any pressure or coercion or undue influence or misrepresentation or fraud. Apart from said accused, there is no other accused. He has no objection, if the above said FIR against the accused person is quashed by Hon'ble Punjab & Haryana High Court on the basis of this compromise between them. He has produced the copy of his Aadhar Card as a token of his identity which is Annexure P1.

It is further respectfully submitted that today i.e. on 16.09.2023 ASI Chamkaur Singh No.1017/BTI, PP Bhucho Mandi, Police Station Nathana, Bathinda has appeared and suffered statement that he is investigating Officer of FIR No. 99 dated 13.07.2023 under Sections 279/337/338/427 of IPC, PS Nathana, Bathinda which was registered against accused person namely Amandeep Singh @ Amna on the statement of complainant Lakhvir Singh. In this FIR, there is no other accused except the aforesaid person in the present case and there is no other aggrieved person except aforesaid person in the present case. None of the accused person has been declared Proclaimed Offender. There is no previous criminal history of aforesaid accused person. Both the parties have brought into my knowledge that they have entered into compromise amongst themselves voluntarily and without any pressure.

In view of the above, this Court is of the view that there is only one person arrayed as accused in the FIR and no accused is absconding or declared a proclaimed offender in this case Further, this Court is

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of the view that the statements suffered by the parties are genuine and not the result of any pressure or coercion and the statements have been made by them voluntarily out of their own free will. The complainant has no objection if the present FIR is quashed. It is further respectfully submitted that there is only one victim complainant in the present FIR

Accordingly, the report is submitted.”

4. Mr. Paramjit Kumar, Advocate for Mr. T.S. Hundal, Advocate appears for respondent No.2 and 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. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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 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.99 dated 13.07.2023, registered for the offences punishable under Sections 279/337/338/427 of IPC at Police Station Nathana, District Bathinda and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

31.10.2023
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No