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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M No.51945 of 2023 (O&M)****Date of decision : 13.12.2023**

Balwinder Singh &amp; ors.

**....Petitioners**

Versus

State of Punjab &amp; ors.

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

Present : Mr. A.S.Manaise, Advocate for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab

Mr. Abhishek Thakur, Advocate for  
Mr. Hardik Ahluwalia, Advocate  
for respondents No.2 & 3.**\*\*\*****PANKAJ JAIN, J. (ORAL)**

1. By way of present petition, the petitioners are seeking quashing of cross case bearing Rapat No.27 dated 04.07.2017, registered for offences punishable under Sections 326, 323, 324, 506, 109, 148 and 149 of IPC at Police Station Fattu DHINGA, District Kapurthala in FIR No.58 dated 02.07.2017, registered for offences punishable under Sections 323, 506, 148 and 149 of IPC at Police Station Fattu DHINGA, District Kapurthala on the basis of compromise.

2. On 13.10.2023, the following order was passed :-

*“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. The petitioners are seeking quashing of cross case bearing Rapat No.27 dated 04.07.2017, registered for offences punishable under Sections 326, 323, 324, 506, 109, 148 and 149 of IPC at Police Station Fattu DHINGA,*

*District Kapurthala in FIR No.58 dated 02.07.2017, registered for offences punishable under Sections 323, 506, 148 and 149 of IPC at Police Station Fattu Dhinga, District Kapurthala and all subsequent proceedings arising thereto on the basis of compromise deed dated 09.01.2023 (Annexure P-3).*

*Counsel for the petitioners relies upon order dated 09.10.2023 passed in **CRM-M-51050-2023**.*

*Notice of motion for **13.12.2023**.*

*Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Hardik Ahluwalia, Advocate appears on behalf of respondents No.2 and 3.*

*In view of the above, the parties are directed to appear before learned Illaqa Magistrate/trial Court on **19.10.2023**.*

*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.*

*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.*

*To be heard alongwith **CRM-M-51050-2023**.”*

3. Pursuant to the aforesaid order, report dated 04.12.2023 from Sub Divisional Judicial Magistrate, Sultanpur Lodhi has been received,

which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“ It is pertinent to mention here that petitioner/accused Amarjit Singh son of Gurmej Singh, Mona wife of Sodhi Singh and Joginder Kaur wife of Karam Singh did not turn up in the Court to suffer their statements in support of compromise.*

*(i) As per statement of investigating officer, 13 persons namely petitioners/accused Balwinder Singh son of Hari Singh, Hansa Singh @Hans Raj @ Hansha, Piara Singh son of Buta Singh, Balwinder Singh Bajwa son of Harchran Singh, Tarsem Singh son of Gurmit Singh, Amarjit Singh son of Jarnail Singh @ Jaila, Amarjit Singh son of Gurmej Singh, Kamaljit Kaur @ Kamla wife of Santokh Singh, Ranjit Singh @ Rana son of Ajit Singh, Mona wife of Late Sh. Sodhi, Joginder Kaur wife of Karam Singh, Monika wife of Bhajan Singh and Gian Kaur wife of Baaj Singh, have been arrayed as accused in the present FIR.*

*(ii) As per statement of investigating officer, none of the petitioners/accused have been declared as proclaimed person in the present case.*

*(iii) In view of statements suffered by the parties before the Court, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.*

*(iv) As per affidavit furnished by petitioner/accused, Balwinder Singh, he is involved in FIR No.116 dated 17.06.2023, under Section 448/511/149/506 IPC, registered at PS Sultanpur Lodhi, Kapurthala.*

*No other petitioner/accused have been involved in any other FIR.*

*(v) As per statement of investigating officer, Surjit Singh son of Karam Singh is the complainant/victim in the present case, who has since died.”*

4 Learned counsel for the petitioners submits that initial complaint was preferred by Surjit Singh, who has died and thus his widow i.e. Nirmal Kaur was impleaded as respondent No.2 being necessary party, as per the definition of victim an enumerated under Section 2(wa) of the code of the Criminal Procedure.

5            Learned counsel for respondents No.2 & 3 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 petitioners are quashed.

6            Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise dated 09.01.2023 (Annexure P-3).

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

8            This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 Cr.P.C. to quash proceedings 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 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 much wider and is unaffected 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.*

9 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.*

10               Consequently, the petition is allowed.   Cross case bearing  
Rapat No.27 dated 04.07.2017, registered for offences punishable under  
Sections 326, 323, 324, 506, 109, 148 and 149 of IPC at Police Station Fattu  
Dhingra, District Kapurthala in FIR No.58 dated 02.07.2017, registered for  
offences punishable under Sections 323, 506, 148 and 149 of IPC at Police  
Station Fattu Dhingra, District Kapurthala and all proceedings arising  
therefrom, are, hereby, quashed *qua* the petitioners.

13.12.2023  
*Pooja sharma-I*

(PANKAJ JAIN)  
JUDGE

Whether speaking/reasoned       :       Yes/No

Whether reportable                :       Yes/No