

2023:PHHC:166083

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

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CRM-M-56674-2022

Date of decision : 07.12.2023

Satpal Garg**..... Petitioner****versus****State of Punjab and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Neha Randhawa, Advocate for
Mr. Mandeep K. Dhot, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

None for respondent No.2

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.51 dated 17.03.2020, registered for offences punishable under Sections 420, 465, 467, 468, 471, 120-B of IPC, 1860 at Police Station City Dhuri, District Sangrur on the basis of panchayati compromise dated 27.07.2021 (Annexure P-2).

2. On 04.10.2023, 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.51 dated 17.03.2020, registered for offences punishable under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station City Dhuri, District Sangrur and all subsequent proceedings arising thereto on the basis of compromise.

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Counsels for the parties are ad idem that the matter already stands compromised vide Annexure P-2.

In view of the above, the parties are directed to appear before learned Illaqa Magistrate/Duty Magistrate on 15.11.2023. On their doing so, the learned Illaqa Magistrate/Duty Magistrate 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 Illaqa Magistrate 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/Duty Magistrate shall be at liberty to call the parties on any other date but not later than a week thereafter.

For awaiting report, list on 07.12.2023.”

3. Pursuant to the aforesaid order, report dated 17.11.2023 from SDJM, Dhuri has been received, which is taken on record. As per the

report, the trial Court has recorded as follows:-

“xx xx xx

(1) Number of persons arrayed as accused in EIR;

As per the statement of complainant and IO ASI Pinjor Singh No. 1000/Sgr, only two persons namely David Chugh and Satpal Garg are arrayed as accused in the present FIR.

(2) Whether any accused is proclaimed offender;

As per the statement of IO ASI Pinjor Singh No. 1000/Sgr, accused persons have not been declared proclaimed offender in the said FIR by any Court.

(3) Whether the compromise is genuine, voluntary and without any coercion or undue influence;

From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

(4) Whether the accused persons are involved in any other FIR or not ?

As per the statement of complainant and accused, no other complaint or case is pending between the parties in any other Court of law.

As per the statement of accused and IO ASI Pinjor Singh No.1000/Sgr no other FIR is pending against the accused.”

4. Learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

5. I have heard learned counsel for the parties and have carefully gone through the records of the case.

6. 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 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 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*

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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.

7. 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.*

8. Consequently, the petition is allowed. FIR No.51 dated 17.03.2020, registered for offences punishable under Sections 420, 465, 467, 468, 471, 120-B of IPC, 1860 at Police Station City Dhuri, District Sangrur and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

07.12.2023

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Whether speaking/reasoned

Yes

Whether Reportable :

No