

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

**CRM-M-57527 of 2022 (O&M)
DATE OF DECISION :- 05.10.2023**

Rinku Sidhu alias Rinku Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Lakhwinder S. Sidhu, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. S.S. Brar, Advocate
for Mr. Ishan Thakur, Advocate for respondents No. 2 and 3.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.8 dated 13.01.2019, registered for the offence punishable under Section 420 of the Indian Penal Code, Police Station Sardulgarh, District Mansa, on the basis of compromise dated 24.11.2022 (Annexure P-6).

2. On 09.12.2022, the following order was passed:-

“By filing this petition, quashing of FIR No.8 dated 13.01.2019 under Section 420 IPC, registered at Police Station Sardulgarh, District Mansa, and all consequential proceedings arising therefrom, on the basis of compromise deed/affidavit dated 24.11.2022 (Annexure P-6).

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab and Mr. Ishan Thakur, Advocate accept notice on behalf of respondent No.1-State and respondent Nos.2 and 3 respectively.

Parties shall appear before concerned Illaqa/Duty Magistrate within a month. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day

convenient to Illaqa/Duty Magistrate but not later than six days thereof. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his report:

i)to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;

ii)whether challan is presented in the Court? If so, against how many accused;

iii)status/stage of the trial/case;

iv)whether any of the accused was declared proclaimed offender at any stage of trial;

v)how many accused are facing the trial;

vi)whether any accused is yet to be challaned;

vii)to record the statement of Investigating Officer with regard to points No. (ii), (iii), (iv) (v) and (vi) as above;

Report be sent through District and Sessions Judge, before the next date of hearing.

To come up on 20.03.2023.”

3. Pursuant to the aforesaid order, report from Sub Divisional Judicial Magistrate, Sardulgarh dated 22.8.2023 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“On 16.08.2023, Seema Mittal appeared in person in the Court and has suffered statement that an FIR was registered at Police Station Sardulgarh bearing FIR No. 08 dated 13.01.2019 u/s 420 IPC against accused namely Rinku Sidhu @ Rinku Singh s/o Parvesh Sidhu. The said FIR was registered on the complaint of complainant Darshan Kumar. Now with the intervention of the respectables, compromise has been effected between complainant and accused Rinku Sidhu @ Rinku Singh s/o Parvesh Sidhu r/o C-176, IIIrd Floor, Hari Nagar, Clock Tower Road New Delhi now at r/o 19/43-A IIInd Floor, Tilak Nagar, West Delhi, Delhi with their free consent, without any pressured undue influence, coercion or fear. The FIR may kindly be quashed against accused Rinku Sidhu @ Rinku Singh on the basis of compromise. The

original compromise has already been placed on file pending before the Hon'ble P & H High Court, Chandigarh. The photocopy of compromise dated 24.11.2022 is Mark-PX. Complainant has also deposited Rs.5,000/- in Punjab & Haryana High Court Bar Association Lawyer's Family Welfare Fund as per direction Issued by Hon'ble High Court. The copy of receipt has also been placed on record. The self attested copy of her Adhar Card is Mark-C.

So, after going through the above statement of witness Seema Mittal, this Court is satisfied that compromise dated 24.11.2022, copy of which is Mark-PX, effected between complainant and accused Rinku Sidhu @ Rinku Singh, is genuine, voluntary and without any coercion or undue influence. Costs of Rs.5,000/- has been deposited with the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund and receipt thereof has been placed on record. Hence, this report is hereby submitted to your honour, accordingly.”

4. Mr. S.S. Brar, Advocate for Mr. Ishan Thakur, Advocate appears for respondents No.2 and 3 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.8 dated 13.01.2019, registered for the offence punishable under Section 420 of the Indian Penal Code, Police Station Sardulgarh, District Mansa and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

05.10.2023

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No