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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3948-2023 (O&M)

Date of Decision: 31.01.2024

GURMEET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saqib Ali Khan, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Prashant Vashist, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.16 dated 31.01.2020 under Sections 498-A and 406 of IPC registered at Police Station Sadar Sangrur, District Sangrur and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 19.12.2022 (Annexure P-2), which is stated to have been effected between the parties.
- 2 On 25.01.2023, the following order was passed:

The petitioner-Gurmeet Singh has filed petition under Section 482 Cr.P.C. for quashing of FIR No.16 dated 31.01.2020 under Sections 498-A, 406 of IPC registered at Police Station Sadar Sangrur, District Sangrur and on the basis of compromise dated 19.12.2022 (Annexure P-2).

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Asstt. AG, Punjab accepts notice on behalf of the State. Learned counsel for the petitioners is directed to supply him a complete copy of the paperbook.

Mr. Prashant Vashist, Advocate has filed power of attorney on behalf of complainant, which is taken on record.

Let the statement of the parties concerned be recorded

with regard to the aforesaid compromise on or before 24.03.2023 before the learned Illaqa/Duty Magistrate concerned. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.

- 1. The number of accused in the aforesaid FIR and to report whether the accused has been declared proclaimed offender or any such proceedings have been initiated or pending against him.*
- 2. Whether the compromise entered between the parties is genuine voluntarily without any coercion or undue influence.*
- 3. Statement of IO regarding involvement of petitioner in any other FIR.*
- 4. Status of the trial pending before the Court.*

To await the report, list again on 20.04.2023.

Status report be filed by respondent-State by the adjourned date.

3. Pursuant to the aforesaid order, report dated 06.04.2023 from Id. JMIC, Sangrur has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“As per statement of Investigating Officer ASI Balwinder Singh No.376/MNS now posted at PS Sherpur, there is only one accused namely i.e., Gurmeet Singh in present case and he is not involved in any other FIR. None of the accused have been declared PO by any Hon'ble Court in the present FIR or no proceedings have been initiated against him.

From the statements of the parties, Court is of the opinion that matter has been amicably settled between the petitioner/accused namely Gurmeet Singh and complainant/respondent Kamalpreet Kaur. The said compromise is genuine, voluntary and is without any coercion or undue influence. Further it is submitted that the trial of the present case is at this stage of the prosecution evidence.”

4. Learned counsel for respondent 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 are 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, 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 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 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) Putting a quietus to the proceedings will bring peace and tranquility amongst parties & will accordingly further the cause of substantial justice.
- (ii) The offences alleged are primarily 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.16 dated 31.01.2020 under Sections 498-A, 406 of IPC registered at Police Station Sadar Sangrur, District Sangrur and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 19.12.2022 (Annexure P-2), is, hereby, quashed qua the petitioner.

31.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No