

**[292] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

[1] CRM-M-5210-2024
Date of decision : 15.04.2024

Sonu and others Petitioners

versus

State of Punjab and another Respondents

[2] CRM-M-5216-2024

Lal Kumar and others Petitioners

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Piyush Setia, Advocate for the petitioners
in CRM-M-5210-2024 and for respondents No.2
in CRM-M-5216-2024.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Shubham Goyal, Advocate for the petitioners
in CRM-M-5216-2024 and for respondents No.2
in CRM-M-5210-2024.

PANKAJ JAIN, J. (Oral)

By way of present petitions, the petitioners are seeking quashing of cross case/GD No.36 dated 01.06.2023, registered for the offences punishable under Sections 323, 341, 148 and 149 of IPC at Police Station Division No.8, District Jalandhar and FIR No.58 dated 21.03.2023 for the offence punishable under Sections 323, 341, 148, 149 of IPC (Section 452 of IPC added later on vide GD Entry No.37, dated

24.03.2023) at Police Station Division No.8, District Jalandhar, on the basis of compromise deed dated 09.01.2024 (Annexure P-3).

2. These are matters arising out of version and cross-version.

3. On 01.02.2024, 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 cross case General Diary No.36 dated 01.06.2023 under Sections 323, 341, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Division No.8, District Jalandhar in case FIR No.58 dated 21.03.2023, registered for offences punishable under Sections 323, 341, 148, 149 (Section 452 IPC added later on vide GD entry No.37 dated 24.03.2023) of the Indian Penal Code, 1860 at Police Station Division No.8, District Jalandhar and all subsequent proceedings arising thereto on the basis of compromise.

Ld. Counsel for the petitioners contends that the matter already stands compromised vide Annexure P-3.

Notice of motion for 15.04.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondent No.1-State.

Mr. Shubham Goyal, 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 are directed to appear before learned Illaqa Magistrate/Duty Magistrate on 20.02.2024. 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 GD/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 GD/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.”

4. Pursuant to the aforesaid order, report from the learned Judicial Magistrate Ist Class, Jalandhar dated 15.03.2024 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

Report of this Court as follows:-

- (i) *Seven persons namely Sonu, Ram Lal, Shashi Bala, Mani @ Naina, Deep Kumar, Deepak @ Deepu and Laxmi have been arrayed as accused in the present GD.*
- (ii) *None of the accused has been declared proclaimed offender in this case.*

- (iii) *The compromise between the complainant Lal Kumar and aforesaid accused persons Sonu, Ram Lal, Shashi Bala, Mani @ Naina, Deep Kumar, Deepak @ Deepu and Laxmi is found to be genuine, voluntary and without any undue influence or coercion.*
- (iv) *As per the statement of IO no other FIR is pending against any of the accused.*
- (v) *As per the statement of IO there is only one complainant/aggrieved person namely Lal Kumar in the present case.”*

“xx xx xx ”

5. Counsel appears for respondents in both the cases, admits the fact of parties having compromised and states that they have 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 deed (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 recognizing compromise between parties 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) and Mohammad Wajid & Anr. Vs. State of U.P. & Ors., 2023 AIR (SC) 3784. 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 petitions are allowed. Cross case/GD No.36 dated 01.06.2023, registered for the offences punishable under Sections 323, 341, 148 and 149 of IPC at Police Station Division No.8, District Jalandhar and FIR No.58 dated 21.03.2023 for the offence punishable under Sections 323, 341, 148, 149 of IPC (Section 452 of IPC added later on vide GD Entry No.37, dated 24.03.2023) at Police Station Division No.8, District Jalandhar, and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

11. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

15.04.2024
'R. Sharma'

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No