

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

279

CRM-M-6187-2024

Date of decision : 01.04.2024

Surinder Singh and others**..... Petitioners****versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Naveen Batra, Advocate
for the petitioners.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Rahul Garg, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.150 dated 18.11.2015, registered for offences punishable under Sections 325/34 IPC (323/201 IPC added subsequently), at Police Station Nurpur Bedi, District Rupnagar and all proceedings subsequent thereto including judgment of conviction dated 16.08.2023 on the basis of compromise dated 20.01.2024 (Annexure P-3).
2. The petitioners alongwith one Harjinder Kaur were booked in FIR No.150 dated 18.11.2015 for offences punishable under Sections 323, 325, 201 and 34 of IPC at Police Station Nurpur Bedi, District Rupnagar. On trial, Harjinder Kaur earned acquittal and the petitioners herein were convicted. The present petition has been filed post conviction.
3. Counsel for the petitioners relies upon *Ram Gopal and another vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322* to

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submit that this Court can exercise jurisdiction under Section 482 of the code to quash criminal proceedings taking cognizance of the compromise between the parties in case the same satisfied the other ingredients as enumerated by Apex Court in *State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688*.

4. On 06.02.2024, the following order was passed:-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C by the petitioners seeking quashing of FIR No.150 dated 18.11.2015, registered for offences punishable under Sections 325/34 IPC (323/201 IPC added subsequently), at Police Station Nurpur Bedi, District Rupnagar.

Learned counsel for the petitioners contends that the matter already stands compromised vide Annexure P-3.

Notice of motion for 01.04.2024.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State.

Mr.Rahul Garg, Advocate appears and accepts notice on behalf of respondents No.2 & 3 and admits the fact of there being a compromise between the parties.

In view of the above, both the parties are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 26.02.2024. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

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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 Duty Magistrate/Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

5. Pursuant to the aforesaid order, report dated 06.03.2024 from JMIC, Sri Anadpur Sahib has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

1. There are three persons namely Surinder Singh, Lakhwinder Singh and Barinder Kaur @ Varinder Kaur arrayed as accused in the FIR.
2. None of the accused is declared as proclaimed offender?
3. The compromise is genuine, voluntary and without any coercion or undue influence.
4. None of the accused persons are involved in any other case.

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5. As per statement of the Investigating Officer, there are two victims/complainants namely Manjit Singh and Jaswinder Singh are there in the FIR.”

6. Mr. Rahul Garg, Advocate appears for respondents No.2 & 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 petitioners are quashed.

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

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

9. 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).** 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.

10. 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.

(vi) Though the petitioners already stand convicted yet

*in view of law laid down by the Apex Court in the case of **Ram Gopal and another vs. State of Madhya Pradesh** (supra), this Court finds it to be a fit case to exercise jurisdiction under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings emanating therefrom including the order of conviction.*

11. Consequently, the petition is allowed. FIR No.150 dated 18.11.2015, registered for offences punishable under Sections 325/34 IPC (323/201 IPC added subsequently), at Police Station Nurpur Bedi, District Rupnagar and all proceedings subsequent thereto including judgment of conviction dated 16.08.2023 on the basis of compromise are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

01.04.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No