

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

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2024:PHHC:019586

CRM-M-8311-2023

Date of decision: February 09, 2024

PARWINDER SINGH @ HAPPY AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.S. Gill, Advocate
for the petitioners.

Mr. Arun Luthra, Deputy Advocate General, Punjab.

Mr. Rahul Sharma, Advocate
for Mr. M.S. Sachdev, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.141 dated 25.07.2019 under Sections 325, 341, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Samana, District Patiala (Annexure P-1) and all the subsequent proceedings arising thereon, on the basis of compromise/affidavit dated 31.05.2021 (Annexure P-2).

2. Learned counsel for the petitioners *inter alia* submits that subsequent to the lodging of the FIR in question, with the intervention of respectables, the parties have amicably resolved their disputes and decided to put to rest the instant case which is pending between them. Hence, continuation of criminal proceedings would be nothing but a futile exercise.

3. Learned counsel for the complainant/respondent No.2 has not disputed the submissions made by the learned counsel for the petitioners with

respect to the compromise having been effected between the parties; the learned counsel has also not opposed the prayer made for quashing of the FIR in question.

4. Vide order dated 16.02.2023 passed by this Court, the parties had been directed to appear before the learned trial Court/Illaqa Magistrate on or before 16.03.2023, to get their statements recorded with respect to the compromise so effected between them.

5. Report dated 31.03.2023 has since been received from the learned Judicial Magistrate Ist Class, Patiala in pursuance of the directions of this Court, wherein the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will, and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioner, is quashed.

6. The learned trial Court has annexed the statements of the parties in original, along with its report.

7. Learned State counsel has however vehemently opposed the prayer and submissions made by the learned counsel for the parties for quashing of the FIR in question on the basis of the compromise effected between them. Learned State counsel, on instructions, has apprised the Court that the criminal antecedents of the petitioners cannot be ignored as there are a number of criminal cases registered and pending against petitioner-Gurpreet Singh @ Talli, including cases under Sections 302 and 307 of the IPC. He has asserted that in the circumstances, looking to the criminal antecedents of the petitioners, the possibility of the petitioner pressuring and exercising undue influence over the

complainant/respondent No.2 to withdraw the instant case against him, cannot be ruled out. Learned State counsel has further submitted that in view of the criminal antecedents of petitioner-Gurpreet Singh, the FIR in question cannot be quashed on the basis of the compromise (Annexure P-2). In support, learned State counsel has placed reliance upon the decision rendered by the Hon'ble Supreme Court in *The State of Madhya Pradesh vs Laxmi Narayan and others, (2019) 5 SCC 688*.

8. On a pointed query put to the learned counsel for the petitioners as to how the FIR can be quashed on the basis of the compromise effected between the parties, given the criminal antecedents of the petitioner, reliance has been placed on the decision of the Hon'ble Supreme Court in *Mohammad Wajid vs State of Uttar Pradesh, 2023 INSC 683*, wherein the Hon'ble Supreme Court had quashed the FIR even though there were some criminal cases pending against the accused-petitioners.

9. I have heard learned counsel for the parties and perused the relevant material placed on record.

10. No doubt in cases where the offences are private in nature and the parties have amicably settled their disputes, Courts should not hesitate to quash the FIR. However, the inherent powers of this Court under Section 482 of the Cr.P.C. have to be exercised sparingly and with a great deal of caution.

11. Before proceeding further, it would be apposite to refer to the observations made by the Hon'ble Supreme Court in its various pronouncements while dealing with quashing of FIR on the basis of compromise. The Hon'ble Supreme Court in Laxmi Narayan's case (supra) held as under: -

“13(v) While exercising the power under section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”

In ***P. Dharamraj vs Shanmugam and others, Criminal Appeal No.1514 of 2022***, the Hon’ble Supreme Court has cautioned the Courts in the following terms: -

“42. Thus it is clear from the march of law that the Court has to go slow even while exercising jurisdiction under Section 482 Cr.PC or Article 226 of the Constitution in the matter of quashing of criminal proceedings on the basis of a settlement reached between the parties, when the offences are capable of having an impact not merely on the complainant and the accused but also on others.”

12. Adverting to the case in hand, a perusal of the report received from the learned trial Court clearly reveals that the petitioners did not approach this Court with clean hands as the factum of the criminal antecedents of petitioner-Gurpreet Singh were withheld from this Court. Moreover, the case law relied upon by the learned counsel for the petitioners i.e. Mohammad Wajid’s case (supra) would not come to their rescue as therein, the Hon’ble Apex Court had quashed the FIR in question after considering the merits of the case and the FIR was not quashed on the basis of the compromise effected between the parties.

13. Hence, in the wake of the criminal antecedents of the petitioner, coupled with the ratio of law laid down by the Hon’ble Supreme Court, this Court does not deem it fit to quash the FIR in question on the basis of compromise.

14. The petition stands dismissed.

15. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 09, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No