

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

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CRM-M-8460-2024

Date of decision : 19.04.2024

Harpreet Singh Babbar**..... Petitioner****versus****State of Punjab and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Ms. Jaspreet Kaur, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.173 dated 14.09.2017 under Sections 307 & 120-B of IPC and Section 3 of Explosive Substance Act, 1908, registered at Police Station Division No.8, District Police Commissionerate Jalandhar on the basis of compromise deed dated 17.11.2023 (Annexure P-2).

2. On 18.03.2024, the following order was passed:-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.173 dated 14.09.2017 under Sections 307 & 120-B of IPC and Section 3 of Explosive Substance Act, 1908, registered at Police Station Division No.8, District Police Commissionerate Jalandhar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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Learned counsel for the petitioner contends that it is a case of no injury and as such Section 307 of IPC has wrongly been invoked and the case of the petitioner satisfies the parameters of ratio of law as laid down in the judgment of the Hon'ble Supreme Court passed in *The State of Madhya Pradesh Vs. Laxmi Narayan and others'* 2019 (5) SCC 688, therefore, the FIR (supra) can be quashed on the basis of compromise.

Notice of motion for 19.04.2024.

At this stage, on asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Vishal Khatri, Advocate accepts notice for respondents No.2 & 3 and files Memorandum of Appearance and admits to the factum of compromise. He undertakes to file Power of Attorney on behalf of respondents No.2 & 3. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 19.04.2024.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

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3. Pursuant to the aforesaid order, report dated 06.04.2024 from Additional District & Sessions Judge, Jalandhar has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

It is humbly submitted that, accused Harpreet Singh Babbar and Sajan as well as complainant Dalbir Singh and his son Manpreet Singh appeared in the court on 30.03.2024 and got recorded their respective statements in regard to the compromise effected between them. Copies of statements are enclosed herewith.

2. Complainant Dalbir Singh has got recorded his statement that he has compromised the matter with accused Harpreet Singh @ Babbar and Sajan @ Sunny Shooter vide compromise deed Ex. P1 and has no grudge against said accused. He has placed on record copy of compromise as Ex. C1. Manpreet Singh i.e. son of complainant Dalbir Singh, who is also arrayed as prosecution witness in this case, has also suffered a separate statement on the same footings. On the other hand, petitioners/accused Harpreet Singh @ Babbar and Sajan @ Sunny Shooter have also suffered separate statements with regard to genuineness of said compromise deed. Copies of statement of parties and compromise deed produced before the court are enclosed herewith.

3. In view of the statement of both the parties, recorded in the Court, it appears that complainant has compromised the matter with his free Will, without any coercion or pressure. As such, in these circumstances, this Court is of view that compromise entered between the parties, may be genuine,

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voluntarily and without any coercion or undue influence, when neither complainant Dalbir Singh nor witness Manpreet Singh have lodged any protest before this Court, rather suffered statements.

4. Furthermore, from the perusal of record, available with the court, it has revealed that previously report was also called by Hon'ble High Court in CRM-M-19674 of 2022 vide orders dated 09.05.2022 and 27.09.2022 passed by Hon'ble High Court in case titled as 'Sukhdev Singh Saini and others Versus State of Punjab and others', in this very case. Report was sent by this court on 23.01.2023 vide number 40 dated 02.02.2023. Police report was also called at that time, wherein nothing has been mentioned in regard to registration of any other case against accused Harpreet Singh @ Babbar. However, police has reported the fact that against accused Sajan @ Sunny Shooter, following four cases were registered:-

- i. FIR No. 195, dated 31.10.2017, under Section 392, 395 IPC, Police Station Division No. 3. Jalandhar;
- ii. FIR No. 276, dated 19.12.2017, under Section 22-61-85 NDPS Act, Police Station Kartarpur, Jalandhar.
- iii. FIR No. 12, dated 19.01.2021, under Section 25-54-59 Arms Act. Police Station Division No. 3, Jalandhar;
- iv. Rapat No. 25, dated 16.12.2021, under Section 107, 151 Cr.P.C. Police Station Division No. 3, Jalandhar.

5. Both the accused namely Harpreet Singh @ Babbar and Ay Sajan @Sunny Shooter are facing trial before this court and it has also been mentioned in that very report of police that no accused is proclaimed

offender in this case.”

4. The abovesaid report shows that one of the accused namely Sajan @ Sunny Shooter is facing 04 more cases.

5. Faced with the situation, counsel for the petitioner relies upon *Mohammad Wajid and another vs. State of U.P. and others 2023 AIR (SC) 3984* to submit that this Court can still exercise power under Section 482 Cr.P.C. in the cases where the parties have compromised.

6. Ms. Jaspreet Kaur, Advocate appears for respondents No.2 & 3 and admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

7. Similarly, 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 of the Code to quash proceeding 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*, *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 wiser 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.*
- (h) *When it comes to quashing of FIR or criminal proceedings, the criminal antecedents of the accused cannot be the sole consideration to decline to quash the criminal proceedings.*

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.*

11. Consequently, the petition is allowed. FIR No.173 dated 14.09.2017 under Sections 307 & 120-B of IPC and Section 3 of Explosive Substance Act, 1908, registered at Police Station Division No.8, District Police Commissionerate Jalandhar and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

19.04.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No