

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10144-2022 (O&M)
Date of decision: 15.03.2024

AMANDEEP SINGH GILL AND ORS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Tarranum Madan, Advocate for
Mr. C.K. Singla, Advocate
for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Aditya Partap, Advocate with
Mr. Sumit Mani, Advocate for
Mr. Shailendra Sharma, Advocate for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioners are seeking quashing of FIR No.0214 dated 01.12.2020 under Sections 406 and 498-A of IPC, registered at Police Station, Samrala, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 09.02.2022 and 24.02.2022 (Annexure P-2 & P-3), which is stated to have been effected between the parties.

2. On 13.12.2023, the following order was passed:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0214 dated 01.12.2020, under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Samrala, District Ludhiana (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of compromises dated 09.02.2022 and 24.02.2022 (Annexures P-2 and P-3).

Vide order dated 10.03.2022 the parties were directed to appear before the concerned Illaqa/Duty Magistrate for recording their statements. Pursuant to the said order, a report dated 25.04.2022 of the Addl. Civil Judge (Sr. Division)-cum-SDJM, Samrala (Ludhiana) has been received that the compromise is not genuine. Learned counsel for the petitioners would contend that earlier there was a dispute between the parties qua the payment of Rs.6 Lakhs and now a petition filed under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce by mutual consent has been allowed on 07.12.2022 by the Family Court, Ludhiana and that the balance of Rs.6 Lakhs also stands paid. Learned counsel would further contend that all disputes stands resolved between the parties. Learned counsel for the petitioners has also relied upon the judgement of Hon'ble Supreme Court rendered in "Gian Singh Vs. State of Punjab & Anr." [2012 (10) SCC 303] and the Larger Bench's judgement of this Court in "Kulwinder Singh & Ors. Vs. State of Punjab & Anr." [2007 (3) RCR (Criminal) 1052].

Learned counsel for respondent No.2 states that the parties have now resolved all their disputes and respondent No.2 would have no objection if the aforesaid FIR is quashed in view of the compromise between the parties.

List on 15.03.2024.

Meanwhile, the parties are directed to appear before the concerned CJM/Illaqa Magistrate/Trial Court on 23.01.2024, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaqa Magistrate/Trial Court is directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:

- 1) Whether the compromises dated 09.02.2022 and 24.02.2022 (Annexures P-2 and P-3) have been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*
- 3) Whether any other criminal cases are pending against the parties.*
- 4) Whether any proclamation proceedings are pending against either of the parties."*

3. Pursuant to the aforesaid order, report dated 02.03.2024 from Additional Civil Judge (Sr. Division)-cum-SDJM, Samrala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

"1. I have the honour to bring it to your kind notice that this Court had received an order passed by the Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-10144 of 2022 dated 13.12.2023, whereby this Court was directed to record the statements of the parties regarding the matter having been compromised in case bearing FIR No.214 Dated 01.12.2020 under Section 406 and 498-A IPC, PS Samrala, District Ludhiana, and to send a report accordingly. In compliance with the same, the parties i.e. complainant-Ravneet Kaur appeared before this Court on 05.02.2024 and the accused-persons

Amandeep Singh Gill, Ranvir Kaur and Gurpreet Singh appeared before this Court on 08.02.2024 and their statements were recorded.

2. Photocopy of compromise dated 24.02.2022 and 09.02.2022 has been produced by the parties which bears signatures of complainant- Ravinder Kaur as well as accused as Annexure-A and Annexure-B.

3. Para wise reply of details sought through this report is under:-

i) Considering the statements of complainant party as the accused persons, the compromise dated 09.02.2022 and well as

24.02.2022 have been freely entered into between the parties without any undue influence, coercion or pressure of any kind.

ii) All the accused persons are party to the compromise dated 24.02.2022 and only accused Amandeep Singh are party to the compromise dated 09.02.2022.

iii) As per the statement of complainant and the accused persons as well as IO, there is no other criminal case pending between the parties.

iv) As per statement of IO SI Joginder Singh, none of the accused persons have been declared proclaimed offender in the present case. The requisite report is accordingly submitted please, for its onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh. Original copies of the statements so recorded of the parties and the ID proof of the complainants and accused persons, are enclosed herewith, for kind perusal, please."

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 petitioners 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 the Hon'ble 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 the Hon'ble 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.

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.0214 dated 01.12.2020 under Sections 406 and 498-A of IPC, registered at Police Station, Samrala, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 09.02.2022 and 24.02.2022 (Annexure P-2 & P-3), are, hereby, quashed qua the petitioners.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 15, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No