

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10172-2024
Date of decision: 05.04.2024

SANDEEP GUND

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sunny Singla, Advocate for
Mr. Lalit Goyal, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Jaskirat Singh, Advocate for
Mr. Puneet Singh, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.52 dated 19.05.2021 under Sections 420, 406, 498-A of IPC, registered at Police Station Women, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 08.01.2024 (Annexure P-2), which is stated to have been effected between the parties.

2 On 29.02.2024, the following order was passed:

“This petition has been filed for quashing of FIR No.52, dated 19.05.2021 registered under Sections 420, 406 and 498-A of IPC at Police Station Women, District Police Commissionerate Ludhiana along with all consequential proceedings arising therefrom, on the basis of compromise dated 08.01.2024 (Annexure P-2) arrived at between the parties. Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner has not been declared as proclaimed person. Notice of motion. Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Puneet Singh, Advocate accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is

taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 05.03.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 05.04.2024.

A copy of this order be given to the counsel for the parties under the signature of the Bench Secretary of this Court.”

3. Pursuant to the aforesaid order, report dated 05.03.2024 from Judicial Magistrate, Ist Class, Ludhiana, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In view of the statements of the parties and I.O., There is only one accused namely Sandeep Gund and no proceeding is pending against the accused/petitioner.

As per the statements of Investigating Officer no accused is absconding or proclaimed offender in this case;

The compromise seems to be genuine, voluntary and out of free will of the parties;”

4. Learned counsel for respondent No.2 admits the factum of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned State counsel has stated that he has 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.52 dated 19.05.2021 under Sections 420, 406, 498-A of IPC, registered at Police Station Women, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 08.01.2024 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

April 05, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No