

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11038-2023
Date of decision: 13.03.2024

HARPREET SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Suman Kumari, Advocate for
Mr. Nikhil Batta, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Vikram Kumar, Advocate
for respondent Nos.2 and 3.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of
FIR No.198 dated 08.10.2019 under Section 354 of IPC, registered at Police
Station, Passiana, District Patiala and all consequential proceedings arising
therefrom on the basis of compromise dated 24.02.2023 (Annexure P-2),
which is stated to have been effected between the parties.
- 2 On 02.03.2023, the following order was passed:

“The petitioner - Harpreet Singh has filed petition under Section 482 Cr.P.C. for quashing of FIR No. 198 dated 08.10.2019 under Section 354 of IPC registered at Police Station Passiana, District Patiala, Punjab on the basis of compromise dated 24.02.2023 (Annexure P-2). Notice of motion. On the asking of this Court, Mr. M.S.Joshi, Addl. A.G. Punjab accepts notice on behalf of the State. Learned counsel for the petitioner is directed to supply him a complete copy of the paperbook. Mr. Vikram Kumar, Advocate has filed power of attorney on behalf of respondent no. 2, which is taken on record.

Let the statement of the parties concerned be recorded with regard to the aforesaid compromise on or before 28.04.2023 before the learned Illaqa/Duty Magistrate concerned. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along

with its report.
1. The number of accused in the aforesaid FIR and to report whether the accused has been declared proclaimed offender or any such proceedings have been initiated or pending against him.
2. Whether the compromise entered between the parties is genuine voluntarily without any coercion or undue influence.
3. other FIR. Statement of IO regarding involvement of petitioner in any
4. Status of the trial pending before the Court.
To await the report, list again on 24.05.2023.
Status report be filed by respondent-State by the adjourned date.”

3. Pursuant to the aforesaid order, report dated 06.03.2024 from Judicial Magistrate, Ist Class, Patiala, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. Only Harpreet Singh has been arrayed as accused in this case.
2. Neither the accused has been declared as Proclaimed Offender/person nor any proclamation proceedings is pending against him.
3. Compromise effected between the parties is genuine and voluntary as per information given by both the parties.
4. Accused person is not involved in any other FIR as per the statement of the police official of PS Passiana.”

4. Learned counsel for respondent Nos.2 and 3 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.198 dated 08.10.2019 under Section 354 of IPC, registered at Police Station, Passiana, District Patiala and all consequential proceedings arising therefrom on the basis of compromise dated 24.02.2023 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

March 13, 2024
jatin

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