

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

**CRM-M-11018 of 2023 (O&M)  
DATE OF DECISION :- 23.01.2024**

**Jasvir Singh and others**

**...Petitioners**

**Versus**

**State of Punjab and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:-** Mr. Rajan Singh Dadwal, Advocate for the petitioners.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Suraj Kaundal, Advocate for respondent No. 2.

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**SUMEET GOEL, J. (Oral)**

**CRM-2322 of 2024**

Heard.

For the reasons mentioned in the application, as also in view of the oral submission made by learned counsel for the petitioners, the application is allowed.

The date of hearing of the main petition is preponed from 11.03.2024 to today i.e. 23.01.2024.

**CRM-M-11018 of 2023**

1. By way of present petition, the petitioners are seeking quashing of FIR No. 11 dated 10.09.2019 under Sections 406,498-A of IPC, registered

at Police Station, NRI, District Ludhiana (Rural) and all consequent proceedings arising therefrom on the basis of compromise dated 14.02.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 02.03.2023, the following order was passed:

*“The petitioners have filed the present petition seeking quashing of the FIR No.11 dated 10.09.2019 under Sections 406 and 498-A IPC, registered at Police Station NRI, District Ludhiana (Rural) (Annexure P-1), and all other proceedings arising therefrom on the basis of the compromise deed dated 14.02.2023 (Annexure P-2).*

*Notice of motion.*

*On asking of the Court, Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Suraj Kaundal, Advocate, appears and files Power of Attorney on behalf of Baljit Kaur, who is Special Power of Attorney of respondent No.2. The same is taken on record.*

*Since both the parties are residing out of India and have approached this Court through their Special Power of Attorneys, therefore, all of them will remain present in person before the concerned Court and the actual parties will join the proceedings through Video conferencing on the date and time fixed before the trial Court.*

*Adjourned to 13.07.2023.*

*In the meanwhile, both the parties are directed to get their statements through video conferencing, for which the trial Court shall make suitable arrangements. The Special Power of Attorneys of the petitioners as well as respondent No.2 are directed to appear before the concerned Illaqa/Duty Magistrate on 20.03.2023 of recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also*

*beverified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.*

*The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”*

3. Pursuant to the aforesaid order, report dated 12.04.2023 from Judicial Magistrate Ist Class, Jagraon has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“In pursuance of the orders of Hon'ble Court it is respectfully submitted that the complainant Talwinder Kaur (appeared through video conferencing), accused Jasvir Singh (appeared through video conferencing). accused Baljinder Kaur (appeared through video conferencing) and Sandeep Kaur appeared before the court of the undersigned. The complainant gave her statement that the compromise has been effected with the accused. She stated that she has effected compromise with the accused with her free will, without any fear and coercion. The photocopy of the compromise was exhibited as Ex.C1.*

*Accused Jasvir Singh, Baljinder Kaur and Sandeep Kaur stated that hey have compromised the matter with the complainant with their free will, without any fear and coercion. Statements of the attorneys of the accused namely Baljit Singh and Baljit Kaur were also recorded.*

*The report as desired by the Hon'ble Court is respectfully submitted as under:-*

- 1. The compromise is genuine, voluntarily made out of the free will of the parties and without any coercion or undue influence.*
- 2. There are three accused in the present FIR as per the statement of the IO namely Jasvir Singh, Baljinder Kaur and Sandeep Kaur.*
- 3. None of the accused was proclaimed offender or involved in any other criminal case/FIR as per the statement of the IO.*

*The detailed report and original statements of the parties are enclosed herewith, as desired.*

*Submitted please.”*

4. Learned counsel for respondents 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 is 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 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 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. 11 dated 10.09.2019 under Sections 406,498-A of IPC, registered at Police Station, NRI, District Ludhiana (Rural) and all consequent proceedings arising therefrom on the basis of compromise dated 14.02.2023 (Annexure P-2), is, hereby, quashed qua the petitioners.

**(SUMEET GOEL)**  
**JUDGE**

**23.01.2024**  
*P.Singh*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |