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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11825-2023 (O&M)
Date of Decision: 30.01.2024

MANINDER SINGH AND OTHERS

.. Petitioners

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Simranjit Singh, Advocate for the petitioners.

Mr. Hemant Aggarwal, AAG, Punjab.

Ms. Priyanka Sharma, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.134 dated 28.12.2022 under Sections 498-A and 406 of the Indian Penal Code, 1860 (Section 201 IPC added later on), registered at Police Station Sadar, Kapurthala, District Kapurthala and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.02.2023 (Annexure P-2), which is stated to have been effected between the parties.
- 2 On 13.04.2023, the following order was passed:

“The petitioners have filed the present petition seeking quashing of FIR No.134 dated 28.12.2022 under Sections 498-A and 406 of the Indian Penal Code, 1860 (Section 201 IPC added later on), registered at Police Station Sadar, Kapurthala, District Kapurthala (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 21.02.2023 (Annexure P-2).

Notice of motion.

On the asking of Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Ms. Priyanka Sharma, Advocate accepts notice and filed Power of

Attorney on behalf of respondent No.2, which is taken on record and admits the factum of compromise effected between the parties.

Adjourned to 12.09.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 15.05.2023 for 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 be verified 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 21.10.2023 from ld.

Addl. CJM, Kapurthala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“6. After perusing all the statements got recorded by the parties, the following report on the points desired by Hon'ble High Court is submitted as under:

(i) After going through the statement of the complainant, this Court is of view that compromise Annexure-A placed on record effected by the complainant is genuine.

(ii) As per the statement of Investigating Officer namely ASI Subeg Singh No.748/Kpt, PS, Sadar, District Kapurthala has also recorded separately, who has stated that he is Investigating officer and FIR No.134 dated 28.12.2022, under sections 406/498-A/201 IPC, was registered by the Police of PS Sadar, Kapurthala against Maninder Singh S/o Jagdev Singh, Jagdev Singh S/o Balwant Singh and Harwinder Kaur W/o Jagdev Singh all resident of village Rangian Tehsil Dhuri District Sangrur. The FIR was registered upon statement of Inder Pal Singh S/o Naran Singh R/o Patti Khizepur VPO Lakhan Kalan Tehsil and District Kapurthala. In this case, above said accused are not involved in any other criminal case at P.S. Sadar Kapurthala. No accused was declared proclaimed offender.”

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

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 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.134 dated 28.12.2022 under Sections 498-A and 406 of the Indian Penal Code, 1860 (Section 201 IPC added later on), registered at Police Station Sadar, Kapurthala, District Kapurthala and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.02.2023 (Annexure P-2), is, hereby, quashed qua the petitioners.

30.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No