

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

273

CRM-M-17270-2015 (O&M)

Date of decision : 03.04.2024

Rishi Pal

..... Petitioner

versus

U.T. Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. J.S. Toor, APP, U.T. Chandigarh.

Mr. Karan Gaba, Advocate for
Mr. Sandeep Suri, Advocate
for respondent No.3-Bank.

PANKAJ JAIN, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.223 dated 21.12.2014, registered for the offences punishable under Sections 467, 468, 471, 120-B and 420 of IPC at Police Station Sector 3, Chandigarh on the basis of compromise deed dated 16.05.2015 (Annexure P-3).

2. Demand draft of Rs.3 lakhs has been handed over to Mr. Karan Gaba, Advocate who appears on behalf of Mr. Sandeep Suri, counsel for the Bank. Copy thereof has been taken on record as mark 'X'.

3. Counsel for the bank thus submits that now even the interest/ancillary charges portioned also stands satisfied, he has no objection in case the FIR is quashed.

2024:PHHC:047739

4. Keeping in view that the interest of the bank now stands fully satisfied and the bank has no objection in case the FIR is ordered to be quashed, the main petition is hereby ordered to be allowed. Parties have already suffered statement before the concerned Court from where the report was received which reads as under:-

“xx xx xx

The statement of Sukhbir Singh complainant and accused Rishi Pal was recorded in FIR No.223/2014, PS-3, Chandigarh. Both the person have deposed that they have compromised the matter as per the compromise Ex.CA. The said compromise has been arrived at voluntarily and without any influence or pressure.”

5. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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 Cr.P.C. to quash proceedings in non-compoundable offences in the cases of ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303, State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688, 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 :

2024:PHHC:047739

(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) The present matter does not fall within the exceptions as carved out in **Laxmi Narayan's** case (*supra*) i.e. heinous offence.

2024:PHHC:047739

- (ii) *The offences alleged are 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.223 dated 21.12.2014, registered for the offences punishable under Sections 467, 468, 471, 120-B and 420 of IPC at Police Station Sector 3, Chandigarh and all proceedings arising therefrom, are, hereby, quashed qua the petitioner.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

03.04.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No