

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

257

CRM-M-16865-2023  
Date of decision: 03.04.2024

GAGANJEET SINGH

...PETITIONER

V/s

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hanspuneet Singh Kehal, Advocate  
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Lovepreet Singh, Advocate  
for respondent No.4.

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SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.0118 dated 06.06.2022 under Sections 363, 366-A of IPC, registered at Police Station, City Sunam, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise dated 14.03.2023 (Annexure P-2), which is stated to have been effected between the parties.
2. On 06.07.2023, the following order was passed:

*“Learned counsel for the petitioner refers to Annexure P-2 dated 14.3.2023 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.0118 dated 06.06.2022, under Sections 363 and 366-A IPC, registered at Police Station City Sunam, District Sangrur (Annexure P-1).*

*Notice of motion for 29.9.2023.*

*At the asking of the Court, Ms. Kanika Sachdeva, AAG, Punjab accepts notice on behalf of the respondents No.1 to 3. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.*

*At this stage, Mr. Luvraj S. Dhindsa, Advocate causes representation on behalf of respondent No.4 and files his Power of*

*Attorney, which is taken on record. Learned counsel for respondent No.4 admits the factum of compromise.*

*Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 01.8.2023 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-*

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

*A copy of the report be also sent through fax to the Registrar Judicial of this Court.”*

3. Pursuant to the aforesaid order, report dated 26.02.2024 from Sub Divisional Judicial Magistrate, Sunam has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“In this connection, the parties have appeared before the court for getting their statements recorded regarding the compromise. Statement of complainant Baljeet Kaur has been recorded whereby she consistently stated that she has arrived at a compromise in the present case FIR with accused out of her free will, without any inducement, threat, promise or coercion from any corner with the intervention of the respectables and have no objection if the present case FIR is quashed against the accused. Similarly, accused Gaganjeet Singh has also suffered a statement that he has effected compromise with the complainant in the present case FIR with his free Consent, without any coercion or influence with the intervention of there spectables.*

*The undersigned has carefully gone through the statements got recorded by complainant and accused. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been*

*genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations. Besides this, the parties have been duly identified by their counsels.*

*Further, the report of undersigned was called as to number of accused persons, whether accused is proclaimed offender, whether accused involved in any other case and to record the statement of Investigating Officer as to number of victims/complainants in this FIR. In this regard, ASI Sham Singh, Investigating Officer has appeared before the court and made his statement to the effect that there is only one accused namely Gaganjeet Singh in the present FIR who is not declared PO in the present case and no other FIR/case was lodged against him. He also stated that there is one victim namely Manjot Kaur and complainant namely Baljeet Kaur in the present FIR. Hence this report. Photocopies of statements enclosed herewith for kind perusal.”*

4. Learned counsel for respondent No.4 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 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 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. Learned counsel for the parties, in support of their contentions have relied upon the following judgments :-

- i) *Ranjeet Kumar versus State of H.P. & Ors. in case CRM-M-648 of 2023 decided on 08.12.2023 by the High Court of Himachal Pradesh, Shimla.*
- ii) *Arif Khan versus The State and another in case W.P. (CRL) 1064/2023 decided on 09.01.2024 by the High Court of Delhi at New Delhi.*
- iii) *Sukhchain Singh and others versus State of Punjab and others 2021(4) R.C.R. (Criminal) 81.*
- iv) *Ananda DV Vs. State and another 2021 SCC Online SC 3423.*

9. 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) *As per the report received the compromise is said to be voluntary in its nature.*
- (iv) *Complainant/victim is reported to have entered into compromise on his own volition.*

10. Consequently, the petition is allowed. FIR No.0118 dated 06.06.2022 under Sections 363, 366-A of IPC, registered at Police Station, City Sunam, District Sangrur and all consequential proceedings arising therefrom on the basis of

compromise dated 14.03.2023 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)  
JUDGE

April 03, 2024  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |