

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35885 of 2017 (O&M)
Date of decision : 07.03.2024.

Manjit Kaur and ors.Petitioners
Versus
State of Punjab and ors.Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Ashish Pal Kaushal, Advocate
for the petitioners.

Mr. J.S.Arora, DAG Punjab.

Mr. Rajinder Sharma, Advocate
for respondent No.2(i).

Mr. Navraj S. Mahal, Advocate
for respondent No.2(iii)(a).

PANKAJ JAIN, J. (ORAL)

- 1 By way of present petition, the petitioners are seeking quashing of FIR No.57 dated 29.04.2012 registered under Sections 420, 465, 467, 468, 471, 120-B and 201 of Indian Penal Code, 1860 at Police Station Ajnala, District Amritsar and all consequent proceedings arising therefrom on the basis of compromise dated 09.06.2015 (Annexure P-2).
- 2 Counsels are *ad idem* that the cross case in FIR No.230 dated 19.12.2007 already stands quashed relying upon the compromise which was composite one as the parties have settled their differences and resolved to get both the cross cases quashed.
- 3 Learned counsels for LR(s) of the respondent(s) admit the fact of

parties having compromised and state that they have no objection in case the FIR and all proceedings subsequent thereto against petitioners are quashed.

4 Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (**Annexure P-2**).

5 I have heard learned Counsel for the parties and have carefully gone through records of the case.

6 This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding recognizing compromise between parties 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 :

(a) Power u/s 482 Cr.P.C. vested with this Court is much wiser 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.

7 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.*
- (ii) The offences alleged are of private nature.*
- (iii) The parties have compromised.*
- (iv) As per the report received in a cross-case, the compromise is said to be voluntary in its nature.*
- (v) Complainant/victim is reported to have entered into compromise on his own volition.*

8 Consequently, the petition is allowed. FIR No.57 dated 29.04.2012 registered under Sections 420, 465, 467, 468, 471, 120-B and 201 of Indian Penal Code, 1860 at Police Station Ajnala, District Amritsar

and all consequent proceedings arising therefrom on the basis of compromise dated 09.06.2015 (Annexure P-2), are hereby quashed *qua* petitioners.

9 Pending applications, if any, shall stand disposed off.

07.03.2024
spn

(PANKAJ JAIN)
JUDGE

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