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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20783-2023 (O&M)
Date of Decision: 31.01.2024

PINKI RANI AND OTHERS

.. Petitioners

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.K. Singla, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Gagandeep Singh, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.99 dated 26.06.2014, under Sections 406 and 498-A of IPC (offence under Section 120-B of IPC, 1860 added later on), registered at Police Station Bilga District Jalandhar City (now Jalandhar Rural) and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.04.2023 (Annexure P-3), which is stated to have been effected between the parties.
- 2 On 01.05.2023, the following order was passed:

“The petitioners have filed the present petition seeking quashing of the FIR No.99 dated 26.06.2014, under Sections 406 and 498-A of IPC (offence under Section 120-B of IPC, 1860 added later on), registered at Police Station Bilga District Jalandhar City (now Jalandhar Rural), and all other proceedings arising therefrom on the basis of the compromise dated 21.04.2023 (Annexure P-3).

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent No.2 and Mr. Gagandeep Singh Simble, Advocate accepts notice on behalf of

respondent No.2.

Learned counsel for respondent No.2 has not denied the factum of compromise effected between the parties.

Adjourned to 11.09.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 29.05.2023 or any other date, as the Court below may decide or fix, 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 05.07.2023 from 1d.

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

“(1) It has been stated by the Investigating Officer that as per record, the present FIR was registered against the accused Jasvir Singh, Bhajan Kaur and Ram Pal. Later on accused Pinki Rani, Roshan Lal and Mamta Rani were summoned by the court u/s 319 Cr.P.C.

(2) It has been stated by the Investigating Officer that as per record, accused Jasvir Lal and Mamta Rani have been declared as proclaimed offender in this case only.

(3) It has been stated by the Investigating Officer that as per record, the accused in this FIR are not involved in any other FIR and no other FIR has been lodged against them.

(4) It has been stated by the complainant that "Stated that I have got registered FIR No.99 dated 26.06.2014 Under Sections 406, 498-A of IPC at PS Bilga against accused (1) Pinky Rani wife of Roshan Lal, resident of Village Rurki Khurd, Post Office Garhi Qanogaon, Tehsil Balachaur, District Nawanshahar(SBS Nagar) (ii) Roshan Lal s/o Harmail Singh, resident of Village Rurki Khurd, Post Office Garhi Qanogaon, Tehsil Balachaur, District Nawanshahar(SBS Nagar)(iii) Mamta Rani w/o Jasvir Kumar s/o Surinder Kumar R/o Pallian Khurd District Nawanshahar(SBS Nagar). I have compromised the matter with the accused person. I have compromised the matter with my freewill and without any pressure. I have no objection if the present FIR against above mentioned accused person is quashed and he be discharged/acquitted."

It has been stated by accused persons Roshan Lal and

Pinki Rani separately that "Stated that one FIR No.99 dated 26.06.2014 Under Sections 406, 498-A of IPC at PS Bilga was got filed by complainant Balwinder Kaur wife of Jasvir Lal and daughter of Ram Dass, resident Village Umarpur Kalan, Tehsil Phillaur, District Jalandhar Rural against me. I have entered into compromise with complainant Balwinder Kaur. I have compromised the matter with my freewill and without any pressure."

Further Surinder Kumar(Attorney of accused Mamta Rani) separately has stated that "Stated that I am general power of attorney of Mamta Rani accused and I have power of attorney to appear on her behalf in this case. I have brought the original power of attorney. One FIR No.99 dated 26.06.2014 Under Sections 406, 498-A of IPC at PS Bilga was got filed by complainant Balwinder Kaur wife of Jasvir Lal and daughter of Ram Dass, resident of Village Umarpur Kalan, Tehsil Phillaur, District Jalandhar Rural against Mamta Rani. Mamta Rani has entered into compromise with complainant Balwinder Kaur. Mamta Rani compromised the matter with her own freewill and without any pressure."

I am satisfied that the compromise is genuine between the parties and the same is outcome of their own freewill and without any force, coercion or undue influence."

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 FIR is quashed based upon the compromise (Annexure P-3).

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.99 dated 26.06.2014, under Sections 406 and 498-A of IPC (offence under Section 120-B of IPC, 1860 added later on), registered at Police Station Bilga District Jalandhar City (now Jalandhar Rural) and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.04.2023 (Annexure P-3), is, hereby, quashed qua the petitioners.

31.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No