

CRM-M No. 21035 of 2023

2024:PHHC:058611

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

**CRM-M No.21035 of 2023
Date of decision : 26.04.2024**

Shehbaz @ Pinku Sahota & ors.

...Petitioners

Versus

State of Punjab & anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. J.S.Arora, DAG, Punjab.

Mr. Ankit Kharbanda, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1. By way of present petition, the petitioners are seeking quashing of FIR No.180 dated 29.11.2021, registered for offences punishable under Sections 326, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station Punjab Agriculture University (PAU), Ludhiana, and all consequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. On 27.04.2023 the following order was passed :-

“The petitioner(s) arraigned as accused in the FIR captioned below, have come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Notices served upon the official respondent through the State's counsel. In case the State wants to file its response, they must do so positively before the next date. Since the prayer is for compromise based on settlement with the

respondent(s)/victim(s), as such there is no requirement to issue notices to the private respondent(s). It is for the petitioner to apprise them about the next date and ensure presence.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on or before 15.05.2023, for getting their statements recorded and also having no objection with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court	
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FIR No.	Dated	Police Station	Sections
180	29.11.02021	Punjab Agriculture University (PAU) Ludhiana	326,323, 148, 149 IPC, 1860

Criminal case no. before trial Court	
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1.	Names of the complainant/victim(s)/aggrieved persons(s)	
2.	Dates on which the statement(s) of the complainant/victim(s)/aggrieved person(s) were recorded.	
3.	Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?	Yes/No

4.	Whether all the victims/all the aggrieved persons have compromised the matter?	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/ complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused person(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No
10	Has the police report been filed or not?	Yes/No
11.	Notice of accusation/charges have been framed or not?	Yes/No
12.	Sections of statutes invoked in the matter	Yes/No
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes/No

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

List on 07.07.2023.”

3. Pursuant to the aforesaid order, report dated 22.05.2023 from District & Sessions Judge, Ludhiana, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

1.	Name of the complainant/victim(s)/ aggrieved persons(s)	Raman Kumar (complainant) Sonia and Akash (victims)
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2.	Dated on which the statement(s) of complainant/victim(s)/aggrieved persons(s) were recorded	On 12.05.20233, the statements of complainant as well as victims have been recorded.
3.	Has the identity of the complainant/victim(s)/aggrieved person(s) been verified?	Yes. Copies of their ID proofs have been obtained along with their photographs.
4.	Whether all the victims/all the aggrieved persons have compromised the matter?	Yes. All the victims have compromised the matter.
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No. There is no pressure, threat, or coercion upon the complainant/victim(s)/aggrieved persons(s)
6.	Names of the accused person(s)	Sandeep Singh Gill @ Billa Bhanu Rahul Pinku Shota
7.	Dates on which the statement(s) of the accused person(s) recorded	On 12.05.2023, the statement of all the appearing accused persons have been recorded.
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	No. The accused persons namely Sehbaaj @ Pinku Sahota, Vishal Chopra @ Bhanu and Rahul have compromised the matter.
9.	Whether proclamation proceedings are pending against any accused?	No. The proclamation proceedings against no accused is pending. However, the arrest of accused Sandeep Singh is still pending.
10.	Has the police report been filed or not?	Yes. Police report (challan) has been presented on 20.4.2023.
11.	Notice of accusation/charges have been framed or not?	No. The charges have not been framed till date.
12.	Sections of statutes invoked in the matter	Police has presented the report in respect of offences punishable under Sections 323, 326, 148 ,149 IPC.
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes. The Court is satisfied with the genuineness of the compromise.

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-2**).

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 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*, *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) and Mohammad Wajid & anr. Vs. State of U.P. & ors, 2023 AIR (SC) 3784*.

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.

(h) When it comes to quashing of FIR or criminal proceedings, the criminal antecedents of the accused cannot be the sole consideration to decline to quash the criminal proceedings.

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.*
- (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.180 dated
29.11.2021, registered for offences punishable under Sections 326, 323, 148
and 149 of the Indian Penal Code, 1860 at Police Station Punjab Agriculture
University (PAU), Ludhiana and all proceedings arising therefrom, are,
hereby, quashed *qua* petitioners.

26.04.2024
monika

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No