

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

257

CRM-M-25328-2023  
Date of decision: 01.04.2024

MUNAZIR @ MUNAJAR HUSSAIN

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amandeep Saini, Advocate  
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Narinder Saini, Advocate for  
Mr. R.S. Sekhon, Advocate  
for respondent No.2.

\*\*\*\*\*

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.90 dated 11.11.2022 under Sections 452, 354, 323, 506 of IPC, registered at Police Station, Sadar Rupnagar District Rupnagar and all consequential proceedings arising therefrom on the basis of compromise dated 09.01.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 19.05.2023, the following order was passed:

*“The petitioner through instant petition, on the basis of compromise, is seeking quashing of FIR No.90 dated 11.11.2022 (Annexure P-1), registered at Police Station Sadar Rupnagar, District Rupnagar, under Sections 452, 354, 323 and 506 of IPC, 1860.*

*Notice of motion.*

*On the asking of Court, Ms. Guramrit Kaur, DAG, Punjab and Mr. R.S. Sekhon, Advocate accept notice on behalf of respondent No. 1 State and respondent No. 2 respectively. Power of attorney of respondent No.2 is taken on record.*

*Parties may appear before learned trial Court/Illaq Magistrate concerned on 25.05.2023 or any other date convenient to said Court and get their statements recorded with regard to compromise. In the event of*

*their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report disclosing:*

*i) genuineness and voluntary nature of compromise ;*

*ii) how many persons are nominated in FIR/police report;*

*iii) how many accused/victims out of total accused/victims have entered into compromise;*

*iv) if there is partial compromise, what is role of the accused;*

*v) what is stage of trial, if accused already convicted, whether appeal is pending in Appellate Court;*

*vi) whether all accused/petitioners are appearing before the Court or are on bail; and*

*vii) whether any other proceeding is pending against the accused/petitioner.*

*Adjourned to 05.07.2023.”*

3. Pursuant to the aforesaid order, report dated 15.06.2023 from Judicial Magistrate Ist Class, Rupnagar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*In pursuance of above said order, the statement of complainant Zaibun Nisan w/o Mushahid Razza r/o Village Gurdaspura, Tehsil and District Rupnagar has been recorded on 25.05.2023. She has stated that the matter has been compromised between her and accused Munazir s/o Tehsim Ahmed, r/o House No. 89, Pandit Nangla, PS Kathgarh, Muradabad, Uttar Pradesh with the intervention of respectables and accused has filed quashing petition bearing no. CRM-M-25328-2023 before the Hon'ble Punjab and Haryana High Court Chandigarh for quashing FIR No. 90 dated 11.02.2022 u/s 452,354,323 & 506 IPC registered at PS Sadar Rupnagar, She has further stated that the matter has been voluntarily compromised between her and accused with her free consent and without any pressure, coercion, under influence and inducement from any quarter.*

*Further the statement of IO ASI Rajinder Singh has been recorded, wherein, he has stated that he has investigated the case titled above and after investigation, the challan has been filed in this Court. He has stated that he has been informed by the parties that they have compromised the matter and have filed Quashing petition for quashing the FIR. He has stated that only one accused namely Munazir has been nominated in present case. He has stated that no accused has been declared Proclaimed offender in present case.*

*From the statements, recorded above, it appears that compromise is genuine and has been effected between the parties willfully and without any pressure or influence from any quarter.”*

4. Learned counsel for respondent No.2 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

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

- (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.90 dated 11.11.2022 under Sections 452, 354, 323, 506 of IPC, registered at Police Station, Sadar Rupnagar District Rupnagar and all consequential proceedings arising therefrom on the basis of compromise dated 09.01.2023 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)  
JUDGE

April 01, 2024  
jatin

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