

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

297

CRM-M-25957-2023
Date of decision: 11.03.2024

NIRMAL SINGH AND OTHERS

...PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.P.S. Chakkal, Advocate
for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Ms. Khushika Setia, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioners are seeking quashing of FIR No.0002 dated 25.02.2021 under Sections 406, 498-A and 120-B of IPC, registered at Police Station, NRI, Ludhiana Rural, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 12.04.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 22.05.2023, the following order was passed:

The petitioners seek quashing of FIR No. 0002 dated 25.02.2021, under Sections 406, 498-A, 120-B of the IPC, registered at Police Station NRI, Ludhiana Rural, Punjab and all consequential proceedings arising therefrom on the basis of compromise deed (Annexure P-1) arrived at between the parties.

Notice of motion.

On the asking of Court, Mr. Dhruv Dayal, Addl.AG, Punjab, accepts notice on behalf of respondent No.1-State.

Ms. Khushika Setia, Advocate appears and accepts notice on behalf of respondent No. 2 and admits the factum of compromise.

The parties are directed to appear before the trial Court/Illaq Magistrate on 03.07.2023 at 10.00 a.m. and get their statements recorded and thereafter the said Court shall transmit its report to this Court regarding genuineness of compromise before the next date of hearing i.e.18.09.2023.”

3. Pursuant to the aforesaid order, report dated 07.07.2023 from Judicial Magistrate Ist Class, Jagraon has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1.In reference to your honour's order dated 22.05.2023 passed by Hon'ble Justice Harpreet Singh Brar, Judge, Punjab and Haryana High Court, Chandigarh, in the subject cited above Criminal Miscellaneous, it is most respectfully submitted that Hon'ble Justice Harpreet Singh Brar, Judge, Punjab and Haryana High Court, Chandigarh has passed an order dated 22.05.2023 for recording statements of parties in the above said Criminal Miscellaneous.

2. In pursuance of the order passed by the Hon'ble Court in the above mentioned Criminal Miscellaneous, I have the honour to submit that on 03.07.2023, accused/petitioner Nirmal Singh and Gian Kaur w/o Nirmal Singh and attorney holder of complainant namely Harjit Singh Dhillon appeared before the court of the undersigned. The statement of attorney holder of complainant (Jaspreet Kaur Dhaliwal) Harjit Singh Dhillon was got recorded to the effect that the matter has been compromised between the accused and the attorney holder of complainant. The petitioner Nirmal Singh and Gian Kaur w/o Nirmal Singh also got recorded their statement to the effect that the matter has been compromised between them and the complainant. Nirmal Singh also deposed on behalf of accused Mandeep Singh being his power of attorney holder. They placed on record the photocopy of the compromise as Ex.C1. Both of them stated that the compromise has been effected voluntarily without any pressure, coercion and undue influence.

3. I have the honour to submit that I have gone through the statements given by the parties and asked various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is genuine, without any pressure, coercion, threat or undue influence. The sole purpose of the parties for effecting

compromise between them is their desire to live in peace and harmony.”

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 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. 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.0002 dated 25.02.2021 under Sections 406, 498-A and 120-B of IPC, registered at Police Station, NRI, Ludhiana Rural, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 12.04.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

(SUMEET GOEL)
JUDGE

March 11, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No