

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28762-2023
Date of decision: 01.08.2024

HARPREET SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

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

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.21 dated 05.02.2015 under Section 498-A of IPC, registered at Police Station City South Moga, District Moga and all consequential proceedings arising therefrom on the basis of compromise dated 15.03.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 02.06.2023, the following order was passed:

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.21 dated 05.02.2015, under Section 498-A IPC registered at Police Station City South Moga, District Moga (Annexure P-1) and all subsequent proceedings arising thereto on the basis of compromise deed dated 15.03.2023 (Annexure P-2).

Notice of motion.

Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of respondent-State and Mr. M.S. Bhatti, Advocate has put in appearance on behalf of respondent No.2 by filing memo of appearance.

Let the parties appear before the trial Court/Duty Magistrate on 18.07.2023 or any other date convenient to the Court, for recording their statements with regard to compromise.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the parties. The trial Court/Duty Magistrate shall also furnish the following information:

- 1. Whether there is any other accused, apart from the petitioners arrayed in this petition.*
- 2. Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.*
- 3. Whether the parties are involved in any other criminal case.*
- 4. Whether any of the parties has been declared a proclaimed offender.*

The trial Court/Duty Magistrate shall send his/her report through the Sessions Judge concerned on or before the date fixed, i.e., 08.11.2023.”

3. Pursuant to the aforesaid order, report dated 05.08.2023 from Judicial Magistrate, Ist Class, Moga, has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“It is humbly submitted that vide order dated 02.6.2023 passed by Hon'ble Punjab & Haryana High Court, Chandigarh, in CRM-M- 28762 of 2023, this court was directed to record the statements of the parties with regard to compromise. In this regard, statement of Complainant Preetika @ Jeenu wife of Harpreet singh resident of Shri Ram Chand Nagar Near Bahona Bypass Moga District Moga has been recorded. Complainant has stated that she is complainant of FIR No.21 dated 05.2.2015 under section 498-A IPC registered at Police Station City South Moga against accused Harpreet singh son of Jagsir Singh resident of Village Sivia Tehsil and District Bathinda. Now, with the intervention of respectables of the society, she has entered in compromise with the accused and her all the grievances stands settled. She has compromised the matter with the accused without any pressure or coercion. However, she has already filed petition U/S 13-B of Hindu Marriage Act by way of mutual consent in the learned Family Court Moga and now next date is fixed for September 2023. She has no objection if the above said FIR is quashed. Statement of accused Harpreet singh son of Jagsir Singh resident of Village Sivia Tehsil and District Bathinda has also been recorded. He stated that that FIR No.21 dated 05.2.2015 under section 498-A IPC was got registered by Complainant Preetika @ Jeenu wife of Harpreet singh resident of Shri Ram Chand Nagar Near Bahona Bypass Moga District Moga. at Police Station City

South Moga against him. Now, with the intervention of respectables of the society, they have entered in compromise without putting pressure or coercion upon the complainant and their all the grievances stands settled. However, complainant had already filed petition U/S 13-B of Hindu Marriage Act by way of mutual consent in the learned Family Court Moga and now next date is fixed for September 2023. So, the above said FIR may be quashed.

Hence, it is humbly submitted that the compromise entered into by the parties is genuine, voluntary and without any coercion or undue influence. It is further intimated that there is no any other apart from the present petitioner(accused) nor the parties are involved in any other criminal case nor they have been declared as Proclaimed Offenders in any criminal case. The statements of parties in original and photocopies of Adhar Card are being sent enclosed herewith for kind perusal of Hon'ble High Court."

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 are quashed.

5. Similarly, learned State counsel has stated that he has 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.21 dated 05.02.2015 under Section 498-A of IPC, registered at Police Station City South Moga, District Moga and all consequential proceedings arising therefrom on the basis of compromise dated 15.03.2023 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

August 01, 2024
jatin

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