



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26107-2024
Date of decision : 29.05.2024

SAURABH SHARMAPetitioner

Versus

STATE OF UT CHANDIGARH AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.

Mr. Sahil Parmar, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner is seeking quashing of FIR No.2, dated 05.01.2023 registered for the offences punishable under Sections 420, 406 of IPC, at Police Station Sector 49, Chandigarh, District Chandigarh (Annexure P-1) on the basis of compromise.

2. The parties appeared before this Court in pre-arrest bail in CRM-M No.12128 of 2023 wherein the following order was passed on 16th of May, 2024 :

“Parties are present in person. Both are identified by their counsels.

Complainant submits that he paid Rs.7.50 lakhs to the petitioner in total out of which he has received back Rs.5.00 lakhs

2024.PHHC:078497



and Rs.2.50 lakhs is the residual amount that the petitioner still owes to him. Further submits that as per the settlement the said amount was to be paid upto 31.03.2023 and the petitioner be put to some terms.

On being asked as to what would be the reasonable terms according to him, he has fairly proposed another sum of Rs.50,000/- which has been agreed by the counsel for the petitioner.

In view thereof now the parties have settled their matter. The petitioner now undertakes to pay an amount of Rs.3.00 lakhs to the complainant over and above Rs.5.00 lakhs which already stand paid.

Learned counsel for the petitioner submits that Rs.1.50 lakhs would be paid by 24.05.2024 i.e. when petition will be filed under Section 482 Cr.P.C. seeking quashing of the FIR and Rs.1.50 lakhs will be paid on the next date that this Court will fix in the said petition filed under Section 482 Cr.P.C.

The complainant shall also withdraw all the complainants filed against the petitioner i.e. the complaints filed under Section 138 of the Negotiable Instruments Act, 1881 qua dishonouring of the cheques that were issued pursuant to written settlement and shall also submit no objection in quashing of the present FIR.

After interacting with the parties, this Court is satisfied that there is no element of coercion or undue influence and the parties have generally compromised with the intervention of this Court.

Adjourned to 24.05.2024.”

3. Counsel appearing for complainant/respondent No.2 on instructions submits that whole of the payment has been received and he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

4. Similarly Ld. State Counsel has stated no objection in case the

2024.PHHC:078497



FIR is quashed based upon the compromise.

5. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

6. 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

2024:PHHC:078497



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.

7. 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.

2024:PHHC:078497



(v) Complainant/victim is reported to have entered into compromise on his own volition.

8. Consequently, the petition is allowed. FIR No.2, dated 05.01.2023 registered for the offences punishable under Sections 420, 406 of IPC, at Police Station Sector 49, Chandigarh, District Chandigarh (Annexure P-1) and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioner.

May 29, 2024
Dpr

(Pankaj Jain)
Judge

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