

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-27315-2024
Date of decision: 02.08.2024

SAHIL AND ORS.PETITIONERS
V/s

STATE OF PUNJAB AND ANRRESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Surjeet Singh Sodhi, Advocate for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Ramandeep Singh Gill, Advocate for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioners are seeking quashing of FIR No.0237 dated 25.11.2023 under Sections 452, 323, 354, 148, 149, 506 of IPC, registered at Police Station Tibba, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 13.12.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. On 28.05.2024, the following order was passed:

*“The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.0237 dated 25.11.2023 under Sections 452, 323, 354, 148, 149, 506 of IPC registered at Police Station Tibba, District Police Commissionerate Ludhiana and all the subsequent proceedings arising therefrom, on the basis of compromise stated to have been executed between the parties on 13.12.2023 (Annexure P-). At this stage, on oral request of learned counsel for the petitioners, Ajrudin, Salman & Ayesha who are sons and daughter-in-law of respondent no.2 are to be impleaded as respondents no.3 to 5, respectively. Amended memo of parties be filed accordingly.
Notice of motion.
Learned State counsel who has advance notice of the petition seeks time to file detailed status report as it is submitted by her*

that apart from the petitioners there are two more persons who have been nominated as accused in this case.

Power of Attorney on behalf of respondent no.2 has been filed and Memorandum of Appearance has been filed on behalf of newly impleaded respondents no.3 to 5. Learned counsel submits that he has no objection if FIR of this case is quashed as a compromise has been effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 02.07.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person(s), in the case;*
 - 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
 - 3. the stage of trial/proceedings pending;*
 - 4. if the compromise is genuine, voluntary and out of free will of the parties.*
 - 5. Whether any other criminal case pending against the accused.*
- Report of Illaqa/Duty Magistrate be awaited for 02.08.2024.”*

3. Pursuant to the aforesaid order, report dated 18.07.2024 from Judicial Magistrate Ist Class, Ludhiana has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) As per the statement of IO, there are nine accused persons namely Raman Kumar, Sahil, Suraj, Amar, Sunny Kumar, Anand, Chanchal, Aniket and Kapil and out of them only five accused persons namely Sahil, Amar Parsad, Aniket Kumar (accompanied by his father Subhodh Parshad Chouhan), Raman and Anand Kumar appeared before the Court for recording their statement qua compromise. It is further submitted that as per the statement of IO, none of the accused has been declared proclaimed person in the case.

(ii) It is respectfully submitted that in the present case/FIR, there is one complainant namely Zahirudeen and three aggrieved persons namely Mohd. Salman, Aisha and Ajhrudeen and all of them appeared and suffered their respective statements in support of compromise.

(iii) The challan in the present case is yet to be presented by the Investigating Agency.

(iv) The compromise between the parties is found to be genuine, voluntary and without any undue influence or

coercion.

(iv) As per the statement of IO of the present case, there is no other criminal case pending against appeared five accused persons in PS Tibba and any other police stations.”

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 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. 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 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) *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.0237 dated 25.11.2023 under Sections 452, 323, 354, 148, 149, 506 of IPC, registered at Police Station Tibba, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 13.12.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

August 02, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No