

[279] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-29381-2023  
Date of Decision : 15.04.2024

Kuldeep Singh and others ...Petitioners  
versus  
State of Punjab and others ....Respondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Jasinder Singh Sekhon, Advocate for the petitioners.  
Mr. Jaswinder Singh Arora, DAG, Punjab for respondent No.1.  
Mr. Sanpreet Singh, Advocate for respondent Nos.2 to 5.  
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**PANKAJ JAIN, J. (ORAL)**

1. By way of present petition, the petitioners are seeking quashing of FIR No.121 dated 12.08.2017, registered for the offences punishable under Sections 323, 341, 506, 148, 149 IPC, 1860 and Section 3(i)(iv) of SC and ST (Prevention of Atrocities) Act but report under Section 173 Cr.P.C. presented under Sections 341, 323, 325, 506, 201, 34 IPC at Police Station Morinda, District Rupnagar, on the basis of compromise dated 29.11.2022 (Annexure P-2).

2. On 02.06.2023, the following order was passed:-

*“ The present petition has been filed for quashing of FIR No.121, dated 12.08.2017, registered at Police Station Morinda, District Rupnagar, under Sections 323, 341, 506, 148, 149 IPC and Section 3(i)(iv) of SC and ST (Prevention of Atrocities) Act, 1989 (Report under Section 173 Cr.P.C. presented under Section 341, 323, 325, 506, 201, 34 IPC) on the basis of compromise (Annexure P-2).*

*Notice of motion.*

*Mr. Kamalpreet Bawa, AAG, Punjab accepts notice on behalf of respondent No.1 and waives service.*

*Mr. Sanpreet Singh, Advocate, puts in appearance and accepts notice on behalf of respondents No.2 to 5.*

*Learned counsel for respondents No.2 to 5 admits the factum of compromise.*

*The parties are directed to appear before the trial Court/Illaq Magistrate on 09.06.2023 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court regarding genuineness of the compromise between them well before the next date of hearing.*

*Adjourned to 17.08.2023. ”*

3. Pursuant to the aforesaid order, report dated 09.08.2023 from the learned Chief Judicial Magistrate, Rupnagar, has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

“ *From the statements of parties got recorded by them in the Court, it appears that complainants and accused have effected voluntary compromise out of their own sweet will, without any pressure and coercion of any manner. It is further submitted that as per statement of Investigating Officer, no other FIR has been registered against the accused at PS Morinda.*

XX XX XX ”

4. Mr. Sanpreet Singh, Advocate appears for respondent Nos.2 to 5 and admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against

5. 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 Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 Cr.P.C. to quash proceedings 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** 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 29<sup>th</sup> 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 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.*

*(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.*

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

9. Consequently, the petition is allowed. FIR No.121 dated 12.08.2017, registered for the offences punishable under Sections 323, 341, 506, 148, 149 IPC and Section 3(i)(iv) of SC and ST (Prevention of Atrocities) Act but report under Section 173 Cr.P.C. presented under Sections 341, 323, 325, 506, 201, 34 IPC at Police Station Morinda, District Rupnagar, and all proceedings arising therefrom, *are, hereby, quashed qua the petitioners.*

**(PANKAJ JAIN)**  
**JUDGE**

15.04.2024  
'R. Sharma'

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