



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
313

CRM-M-29123-2024
Date of decision: 12.12.2024

AMANDEEP SINGH AND ANOTHER
V/s
....PETITIONERS

STATE OF PUNJAB AND ANOTHER
....RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nitish Garg, Advocate for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Rahul Arora, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.82 dated 21.04.2023 under Sections 406 and 498-A of IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 03.01.2024 (Annexure P-2), which is stated to have been effected between the parties.

2. On 01.07.2024, the following order was passed:

“The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.82 dated 21.04.2023 registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib under Sections 406 and 498-A IPC, on the basis of compromise deed dated 03.01.2024 (Annexure P-2) between the parties. Learned counsel for the petitioners inter alia contends that the FIR was registered due to a matrimonial dispute between the parties and now the parties have executed a compromise deed dated 03.01.2024 (Annexure P-2). He further contends that as per the compromise, petitioner No.1-husband and respondent No.2-wife would file a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1954 before the Family Court. He submits that as per the compromise, petitioner No.1-husband would pay a sum of Rs.21,00,000/- to respondent No.2-wife for past, present and future maintenance, as such



respondent No.2 does not want to take any action in the present FIR.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent No. 1-State. Mr. Rahul Arora, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He confirms about factum of compromise between the parties. The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 01.08.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 20.07.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?

III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?

IV Whether any accused is a Proclaimed Offender?

V Whether after the registration of the FIR any offence was added or deleted during investigation?

VI Whether investigation is pending against any of the accused or any accused has been declared as innocent. ”

3. Pursuant to the aforesaid order, report dated 24.09.2024 from Sub Divisional Judicial Magistrate, Amlah, District Fatehgarh Sahib has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“(i) Statements of complainant and accused persons have been recorded. From the statements of complainant and accused, it is clear that a genuine compromise has been arrived at between all the affected parties.

(ii) As per statement of ASI Karamjit Singh, Investigating Officer, the complainant/injured/victim namely Arashpreet Kaur and all the accused are party to the compromise.

(iii) No additional accused has been added during the course of investigation.



(iv) *None of the accused has been declared as proclaimed offender.*

(v) *After the registration of FIR, no offence was added or deleted during investigation.*

(vi) *Investigation is pending against the accused Amandeep Singh and none of the accused has been declared innocent.”*

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.82 dated 21.04.2023 under Sections 406 and 498-A of IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 03.01.2024 (Annexure P-2), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

December 12, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No