

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

133

CRM-M-34871-2021 (O&M)

Date of decision: 04.04.2024

NAVJEET SINGH

....PETITIONER

V/s

STATE OF PUNJAB AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. H.S. Jakhal, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Yaseen Sethi, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.173 dated 14.07.2019 under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act, registered at Police Station, Sadar Fazilka and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 18.08.2021 (Annexure P-3), which is stated to have been effected between the parties.

2 On 26.08.2021, the following order was passed:

“Instant petition has been filed under Section 482 Cr.PC for quashing FIR No.173 dated 14.07.2019 registered under Section 498-A IPC and 3/4 of The Dowry Prohibition Act, 1961 (Annexure P-1) at Police Station Sadar Fazilka and Rapat No.29 dated 27.12.2019 (Annexure P-2) and all consequential proceedings arising therefrom on the basis of compromise dated 18.08.2021.

Notice of motion.

Mr. Yaseen Sethi, Advocate, has put in an appearance on behalf of respondent No.2 and admits the factum of compromise between the parties. He undertakes to file his power of attorney during the course of the day.

Adjourned to 28.10.2021.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial court on 27.09.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:

- i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.”

3. Pursuant to the aforesaid order, report dated 21.10.2021 from Additional Chief Judicial Magistrate, Fazilka has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“i) That as per the statement of I.O. ASI Lakhwinder Singh, the name of complainant is Rajni Bala wife of Navjeet Singh and the name of accused is Navjeet Singh son of Mahinder Singh, who has been arrayed in the FIR. Both the complainant and accused have appeared in the Court and made their respective statements in support of the compromise so effected between the them.

ii) That as per the statement of I.O., none of the accused has been declared proclaimed offender in this case.

iii) That as per the statement of I.O., challan in this case has not been presented so far and no such proceedings are pending in this Court.

iv) That the compromise arrived at between the parties is genuine, voluntarily and without any kind of undue influence or pressure.”

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-3).

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.173 dated 14.07.2019 under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act, registered at Police Station, Sadar Fazilka and all consequential proceedings arising therefrom on the basis of compromise/settlement dated 18.08.2021 (Annexure P-3), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

April 04, 2024
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No