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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36745-2022 (O&M)
Date of Decision: 29.01.2024

JASVIR SINGH AND ANR.

.. Petitioners

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gagandeep Singh Virk, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Vikas Prakash, Advocate for
Ms. Ekjot Sandhu, Advocate
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of cross version DDR No.22 dated 03.02.2016, Annexure P-2, in FIR No.8 dated 18.01.2016, registered for offences under Sections 452, 354 and 506 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Meharban, Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom including Kalandra bearing No.38 dated 24.11.2017, registered for offence under Section 66 of Police Act, Police Station Meharban vide DRR No.38 dated 24.11.2017 (Annexure P-3) and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 11.07.2022 (Annexure P-4), which is stated to have been effected between the parties.

2 On 05.12.2022, the following order was passed:

“Mr. Jashanpreet Singh, DAG, Punjab has put in appearance on behalf of State-respondent No.1.

Ms. Ekjot Sandhu, Advocate has put in appearance on behalf of complainant-respondent No.2. She has filed Power of Attorney, which is taken on record.

Service is complete.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of cross version DDR No.22 dated 03.02.2016, Annexure P-2, in FIR No.8 dated 18.01.2016, registered for offences under Sections 452, 354 and 506 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Meharban, Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom including Kalandra bearing No.38 dated 24.11.2017, registered for offence under Section 66 of Police Act, Police Station Meharban vide DRR No.38 dated 24.11.2017, Annexure P-3, on the basis of compromise dated 11.07.2022, Annexure P-4, arrived at between the parties.

Counsel representing the private parties submit that the dispute, which is private in nature, has been settled by virtue of compromise, Annexure P-4. It has been further submitted that FIR bearing No.8 dated 18.01.2016, lodged for offences under Sections 452, 354 and 506, IPC at Police Station Meharban, Ludhiana, Annexure P-1, has been cancelled after investigation.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 11.01.2023 or on any day thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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/P.O. 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;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 05.07.2023.”

3. Pursuant to the aforesaid order, report dated 17.01.2023 from

ld. JMIC, Ludhiana has been received, which is taken on record. As per the

report, the Trial Court has recorded as follows:-

1. *It is respectfully submitted that as per the statement of HC Balwinder Singh and report of the concerned Ahlmad, there are only two accused arraigned in the DDR and Kelendra and they have appeared before the court and have made statements and they have not absconding/PO in the case. The name of the complainant is Kewal Singh @ Laddi and he appeared before the court and made his statement in support of the compromise.*

2. *The DDR and Kalendra were pending for prosecution evidence.*

3. *So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.*

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-4).

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 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, 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 29th of September, 2021).*** 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 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) *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 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. Cross version DDR

No.22 dated 03.02.2016, Annexure P-2, in FIR No.8 dated 18.01.2016,

registered for offences under Sections 452, 354 and 506 of the Indian Penal

Code, 1860 (for short "IPC"), at Police Station Meharban, Ludhiana

(Annexure P-1) along with all subsequent proceedings arising therefrom including Kalandra bearing No.38 dated 24.11.2017, registered for offence under Section 66 of Police Act, Police Station Meharban vide DRR No.38 dated 24.11.2017 (Annexure P-3) and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 11.07.2022 (Annexure P-4), is, hereby, quashed qua the petitioners.

29.01.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No