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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.36175 of 2023 (O&M)

Date of decision : 25.04.2024

Ranjit Sharma

Versus

....Petitioner

State of Punjab and anr.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Sumeet Pal Singh Sidhu, Advocate for the petitioner.

Mr. J.S. Arora, DAG Punjab along with ASI Parsotam Kumar.

Mr. H.S. Rakhra, Advocate for the respondent No.2.

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PANKAJ JAIN, J. (ORAL)

CRM-39108-2023

This is an application for filed by counsel for the respondent for dismissing the main petition.

Counsel for the respondent prays for permission to withdraw the present application.

Allowed as prayed for.

Dismissed as withdrawn.

Main Case

1 By way of present petition, the petitioner is seeking quashing of FIR No.0089 dated 04.05.2023 registered under Sections 419, 465, 467, 468, 471 and 120-B of IPC at Police Station City Rampura, District Bathinda and all consequent proceedings arising therefrom on the basis of compromise.

2

On 28.02.2024, the following order was passed:

*“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. The petitioner is seeking quashing of FIR No.0089 dated 04.05.2023, registered for offences punishable under Sections 419, 465, 467, 468, 471 and 120-B of IPC at Police Station City Rampura, District Bathinda and all subsequent proceedings arising thereto on the basis of compromise.*

*Learned counsel for the petitioner contends that the matter already stands compromised vide panchayati compromise dated 06.05.2023 (Annexure P-2).*

*Notice of motion for 25.04.2024.*

*Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court accepts notice on behalf of respondent No.1-State.*

*Mr. Harpreet S. Rakhra, Advocate appears on behalf of respondent No.2 and admits the fact of there being compromise between the parties.*

*In view of the above, the parties are directed to appear before learned Illaqa Magistrate/trial Court on 18.03.2024.*

*On their doing so, the learned Illaqa Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-*

*1. Number of persons arrayed as accused in the FIR.*

*2. Whether any accused is proclaimed offender?*

*3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*

*4. Whether the accused persons are involved in any other case or not?*

*5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

*A copy of the report be also sent to the Registrar Judicial of this Court.*

*Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”*

3

Pursuant to the aforesaid order, report dated 20.04.2024 from Sub Divisional Judicial Magistrate, Phul has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

*“2. It is respectfully submitted that in view of the statements got recorded by both the parties and ASI Gurdev Singh No.691/BTI and in compliance to the aforesaid order dated 28.02.2024 of the Hon'ble Punjab and Haryana High Court, the point-wise report of the undersigned is as*

*follows:-*

- 1. In view of the statements got recorded by both the parties and ASI Gurdev Singh No.691/BTI, the present FIR was registered against accused/petitioner Ranjit Sharma son of Sukhdev Ram to House No. 239, Balaji Enclave, Barnala Road, Rampura Phul, District Bathinda and Gurpreet Singh son of Baljit Singh, Field Officer, Capital Bank, Rampura Mandi, City Rampura, District Bathinda. Except these accused, there is no other accused in this case.*
- 2. Further, as per the statements of accused/petitioner and ASI Gurdev Singh No.691/BTI, accused/petitioner Ranjit Sharma has not been declared as proclaimed offender/person in any case by any Court of law nor such proceedings are pending against him.*
- 3. It is most respectfully submitted that as per the statements of petitioner/accused and respondent no.2/complainant, the undersigned is satisfied that the compromise effected between them seems to be genuine, voluntary, which is not the result of coercion, pressure or undue influence.*
- 4. In view of the statements of accused/petitioner and ASI Gurdev Singh No.691/BTI, accused Ranjit Sharma is also involved in one another FIR having No.235 dated 19.08.2022 u/s 406, 420, 120-B of IPC and Section 13 of Punjab Travel Professional Regulation Act, 2014 registered at PS Rama Mandi, District Jalandhar, in which quashing petition is pending before the Hon'ble High Court for 18.04.2024 having no. CRM-M-16537-2023.*
- 5. It is humbly submitted that as per the statement of ASI Gurdev Singh No.691/BTI, in addition to complainant/respondent no.2 Hakam Singh, there is one another victim/aggrieved/complainant in this case namely Sukhjit Kaur wife of Hakam Singh i.e. complainant/respondent No.2.”*

4           The aforesaid report reveals that there are total **two** accused persons.

5           Learned counsel for respondents 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 present petitioner is quashed.

6           Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (**Annexure P-2**).

7 I have heard learned Counsel for the parties and have carefully gone through the records of the case.

8 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 wide and 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.*

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) 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.*

10 Since the parties are *ad idem* that the compromise/settlement has to be read strictly *inter se* between the parties to the present petition and the complainant wants to pursue prosecution of rest of accused, and it is only accused-petitioner who has approached this Court by way of present

petition, the present petition is being entertained and allowed *qua* him only.

11           The question raised by State counsel as to whether the FIR can be quashed in part or not already stands answered by Apex Court in '***Lovely Salhotra and another vs. State (NCT of Delhi)***' reported as ***(2018) 12 SCC 391***, wherein it was observed as under:-

“xx   xx   xx

*We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants – herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 – herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie.”*

12           Consequently, the petition is allowed. FIR No.0089 dated 04.05.2023 registered under Sections 419, 465, 467, 468, 471 and 120-B of IPC at Police Station City Rampura, District Bathinda and all proceedings arising therefrom are hereby partially quashed *qua* the petitioner.

**25.04.2024**  
*spn*

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

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