

290 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39380 of 2023
Date of decision : 05.02.2024

Satnam Singh @ Dr. Satnam Singh and ors.Petitioners
Versus

State of Punjab and anr.Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Neeraj Madan, Advocate
for Mr. Aman Kumar, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1 By way of present petition, the petitioners are seeking quashing
of FIR No.60 dated 30.04.2022, registered under Sections 324, 323 and 34
of IPC at Police Station Makhu District Ferozepur and all consequent
proceedings arising therefrom on the basis of compromise.

2 On 10.08.2023, the following order was passed:

*“The present petition has been moved invoking
jurisdiction of this Court under Section 482 Cr.P.C. by the
petitioners seeking quashing of FIR No.60 dated 30.04.2022,
registered for offences punishable under Sections 324, 323,
34 of the Indian Penal Code, 1860 at Police Station Makhu,
District Ferozepur and all subsequent proceedings arising
thereto on the basis of compromise.*

Ld. Counsel for the petitioners contends that the

matter already stands compromised vide Annexure P-2.

Notice of motion for 17.10.2023.

Mr. Amit Shukla, AAG, Punjab appears and accepts notice on behalf of respondent No.1-State.

Mr. Aman Kumar, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties are directed to appear before learned Illaqa Magistrate/Duty Magistrate on 31.08.2023. On their doing so, the learned Illaqa Magistrate/Duty Magistrate 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 Illaqa Magistrate 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/Duty Magistrate 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 19.10.2023 from Judicial Magistrate 1st Class, Zira has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“I have the honour to submit herewith the report as desired by the Hon'ble Punjab and Haryana High Court vide order dated 10.08.2023 regarding compromise between the parties.

2. Vide order dated 10.08.2023 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M 39380-2023 petitioner and respondent have been directed to appear before the Trial Court/illaqa Magistrate. On 31.08.2023 accused-petitioner 1.Satnam Singh @ Dr.Satnam Singh aged about 47 years, son of Harbans Singh, 2. Nachhatar Singh aged about 45 years son of Harbans Singh, 3.Sehajpreet Singh aged about 20 years son of Satnam Singh, 4. Vikramjeet Singh aged about 25 years son of Nachhatar Singh, 5.Kuldip Singh aged about 38 years son of Gurnam Singh and 6.Saraj Singh aged about 25 years son of Shamsher Singh, all residents of village Killi Bodla, Tehsil Zira, District Ferozepur suffered a joint statement that present FIR was registered against them on the statement of complainant Harwinder Singh respondent/complainant. They further stated that they all petitioners have compromised the matter with the complainant with the intervention of respectable. They are fully satisfied with the compromise. This compromise is voluntarily and without any pressure, threat or coercion. Compromise with complainant is with our free will. The present FIR may kindly be quashed. They also placed on record photo copy of Aadhdar cards which are marked as Ex.P1 to Ex. P6.

3. As per directions given by the Hon'ble Punjab and Haryana High Court, respondent No.2 Harwinder Singh son of Harjinder Singh appeared and suffered a statement that FIR No. 60 dated 30.04.2022, under sections 324, 323, 34 IPC, 1860 was registered at Police Station Makhu on his statement against all the petitioners. He further stated that now he have compromised the matter with all the accused/petitioners with the intervention of respectable and family members. He is fully satisfied with the compromise. This compromise is voluntarily and without any pressure, threat or coercion. Complainant-respondent further stated that compromise with the petitioners/accused is with his free will. He also placed on record photo copy of his Aadhar Card which is marked as Ex.R1. He further stated that he has no objection if present FIR is quashed.

5. Statement of Investigating Officer ASI Gurpreet Singh, No.275/FZR Posted at Police Station Makhu has been recorded on 06.09.2023. He has suffered a statement that in the present case FIR No.60 dated 30.04.2022 was registered against seven accused namely Satnam Singh @ Dr. Satnam Singh, Nachattar Singh, Sehajpreet Singh, Vikramjeet Singh, Kuldeep Singh, Saraj Singh and Harmandeep Singh. Accused Harmandeep Singh is yet to be arrested in this case. None of the

accused is declared proclaimed offender nor proceeding of proclamation are pending against any of the accused. Accused Satnam Singh @ Dr. Satnam Singh is involved in 9 more cases. Accused Kuldeep Singh is also involved in 10 more cases. Accused Vikramjeet Singh is also involved in one more case. Accused Nachattar Singh is also involved in 3 more cases. Remaining accused are not involved in any other case. Challan is not prepared. Harwinder Singh son of Harjinder Singh is only victim/complainant in the present FIR.

7. After going through the statements of the parties and on asking the parties, it is crystallized clear that the compromise has been arrived at genuinely and is made voluntarily and without any coercion or undue influence.

8. As per the statement of Investigating Officer, in the present FIR there is only one complainant namely Harwinder Singh son of Harjinder Singh and seven accused namely Satnam Singh @ Dr. Satnam Singh. Nachattar Singh. Sehajpreet Singh, Vikramjeet Singh, Kuldeep Singh, Saraj Singh and Harmandeep Singh. Accused Harmandeep Singh is yet to be arrested in the case. As per the statement of Investigating Officer complainant-victim and accused have appeared before the Court and made their statements in support of the compromise. As per the statement of Investigating Officer no proceeding regarding proclamation of any of accused is pending. As per the statement of Investigating Officer, Accused Satnam Singh @ Dr. Satnam Singh is involved in 9 more cases. Accused Kuldeep Singh is also involved in 10 more cases. Accused Vikramjeet Singh is also involved in one more case. Accused Nachattar Singh is also involved in 3 more cases. Remaining accused are not involved in any other case. As per statement of Investigating officer challan is not prepared in this case till today.”

4 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 petitioner is 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 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 wise 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) 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.60 dated 30.04.2022, registered under Sections 324, 323 and 34 of IPC at Police Station Makhu District Ferozepur and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

05.02.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No