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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39757-2023 (O&M)

Date of Decision: 22.02.2024

PARVEEN GARG AND OTHERS

.. Petitioners

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amaninder Preet, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Kamaljit Singh Mamrat, Advocate
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioners are seeking quashing of FIR No.0002 dated 08.01.2023 under Sections 354, 499, 427, 323, 506 and 34 of IPC, registered at Police Station City Kotkapura, District Faridkot and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 13.06.2023 (Annexure P-2), which is stated to have been effected between the parties.
- 2 On 11.08.2023, the following order was passed:

*“Learned counsel for the petitioners submits that matter has been compromised between the parties vide compromise dated 13.06.2023 (Annexure P-2).
Notice of motion.
Learned State counsel appears and accepts notice on behalf of respondent No.1-State of Punjab. Mr. Kamaljit Singh Mamrat, Advocate for respondent No.2 appears and accepts notice. He admits the factum of compromise between the parties.
In the aforesaid premise, parties are directed to appear before the Illaqa Magistrate/trial Court for*

recording their respective statements with regard to the compromise on 25.08.2023.

A report with regard to veracity of the compromise be furnished to this Court on or before the next date.

Post it on 03.10.2023.”

3. Pursuant to the aforesaid order, report dated 08.09.2023 from Id. JMIC, Faridkot has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“2. Both the parties have got recorded their statements that with the intervention of the respectables of the society, compromise has been effected between them, which is genuine, voluntary and without any pressure or coercion.”

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 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 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) *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.0002 dated 08.01.2023 under Sections 354, 499, 427, 323, 506 and 34 of IPC,

registered at Police Station City Kotkapura, District Faridkot and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 13.06.2023 (Annexure P-2), are, hereby, quashed qua the petitioners.

22.02.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No