

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

143+279

CRM-M-42499-2022

Date of decision: 18.04.2024

VIKRAMJIT SINGH @ VIKRAM SINGH AND ANOTHER
....PETITIONERS

V/s

STATE OF PUNJAB AND ANOTHER
....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anureet S. Sidhu, Advocate
for the petitioners.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Gurjant Singh Gill, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioners are seeking quashing of FIR No.66 dated 23.08.2012 under Sections 406, 498-A of IPC (Sections 3 & 4 of Dowry Prohibition Act) registered at Police Station, Sanour, District Patiala and all consequential proceedings arising therefrom including the judgment dated 07.03.2020 passed by Judicial Magistrate, 1st Class, Patiala, on the basis of compromise dated 22.03.2022 (Annexure P-3), which is stated to have been effected between the parties.

2. On 15.02.2023, the following order was passed:

*“The petitioners through instant petition, on the basis of compromise are seeking quashing of FIR No.66 dated 23.08.2012, registered at Police Station Sanour, District Patiala, under Sections 406 and 498A of IPC, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.
Mr. Amjad Khan, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney. The same is taken on record.
Parties may appear before learned trial Court/Illaq Magistrate concerned on 21.02.2023 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their*

statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report disclosing:

- i) genuineness and voluntary nature of compromise ;*
- ii) how many persons are nominated in FIR/police report;*
- iii) how many accused/victims out of total accused/victims have entered into compromise;*
- iv) if there is partial compromise, what is role of the accused;*
- v) what is stage of trial, if accused already convicted, whether appeal is pending in Appellate Court;*
- vi) whether all accused/petitioners are appearing before the Court or are on bail; and*
- vii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 01.03.2023.”

3. Pursuant to the aforesaid order, report dated 24.02.2023 from Judicial Magistrate Ist Class, Patiala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“1. genuineness and voluntary nature of compromise.

It is respectfully submitted that compertise between the parties is genuine and voluntarily

2. how many persons are nominated in FIR/police report It is respectfully submitted that earlier three persons namely Vikramjit Singh @ Vikram Singh, Jasvir Singh @ Bagga and Jaswinder Kaur and trial court convicted all the three accused but later on one of the accused Jaswinder Kaur had died on 15.5.2021.

3. how many accused/victims out of total accused/victims have entered into compromise; It is respectfully submitted that now two accused namely Vikramjit Singh @ Vikram Singh and Jasvir Singh @ Bagga, who are also accused/petitioners in this case has entered into the compromise as one party and on the other side, Harpreet Kaur daughter of Charandeep Singh has entered into the compromise dated 22.3.2022 and the same is Ex.CX.

4. if there is partial compromise, what is role of the accused; It is respectfully submitted that as per the contents of the compromise Ex.CX, said compromise is complete in all respect.

5. what is stage of trial, if accused already convicted, whether appeal is pending in Appellate Court; It is respectfully submitted that the case is pending on the Appellate Stage i.e. before the Court of Sh.Jaspinder Singh Learned Additional Sessions Judge, Patiala for 4.3.2023

6. whether all accused/petitioners are appearing before the Court or are on bail: and It is respectfully submitted that both the accused namely Vikramjit Singh @ Vikram Singh and Jasvir Singh @ Bagga are on bail.

7. whether any other proceeding is pending against the accused/petitioners. It is respectfully submitted that as per the statement of the police officials, no other proceedings is pending against the accused/petitioners.”

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-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.66 dated 23.08.2012 under Sections 406, 498-A of IPC (Sections 3 & 4 of Dowry Prohibition Act) registered at Police Station, Sanour, District Patiala and all consequential proceedings arising therefrom including the judgment dated 07.03.2020 passed by

Judicial Magistrate, 1st Class, Patiala, on the basis of compromise dated 22.03.2022 (Annexure P-3), are, hereby, quashed qua the petitioners.

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

(SUMEET GOEL)
JUDGE

April 18, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No