

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

261 CRM-M-42858-2023
Date of decision: 03.04.2024

Sandeep SinghPetitioner
V/s
State of Punjab and anotherRespondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anupam Bhardwaj, Advocate for the petitioner.
Mr. Yuvraj Singh, AAG Punjab.
Mr. Imran Ali, Advocate for
Mr. H.S. Deol, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.149 dated 16.12.2017 under Sections 498-A, 406, 420, 376 & 511 of IPC, registered at Police Station, Chohla Sahib, District Taran Tarn, and all consequent proceedings arising therefrom on the basis of compromise dated 19.09.2022 (Annexure P-2), which is stated to have been arrived at between the parties before the Mediation and Conciliation Centre of this Court.
2. Learned counsel for the petitioner submits that the matrimonial dispute has been amicably settled between the parties in terms of settlement agreement dated 19.09.2022 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre of this Court. He further submits that the parents of the petitioner had instituted a petition i.e. CRM-M-10983-2020 seeking quashing of the FIR on the basis of aforesaid compromise and vide order dated 18.01.2023, the same was allowed and the FIR qua parents of the petitioner stands quashed. Learned counsel has further submitted that petitioner had paid a sum of Rs.4,80,000/- to respondent No.2 on account of permanent alimony and the marriage between them stands dissolved by a decree of divorce by mutual consent under

by the learned Family Court, Tarn Taran. According to learned counsel, there is no other case stated to be pending between the parties.

3. Learned counsel appearing 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 petitioner are quashed.

4. Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise.

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

6. 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.

7. 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.

8. Consequently, the petition is allowed. FIR No.149 dated 16.12.2017 under Sections 498-A, 406, 420, 376 & 511 of IPC, registered at Police Station, Chohla Sahib, District Taran Tarn, and all consequent proceedings arising therefrom on the basis of compromise dated 19.09.2022 (Annexure P-2), are, hereby, quashed qua the petitioner.

(SUMEET GOEL)
JUDGE

April 03, 2024
Ajay