

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-43277-2023
Date of decision: 01.04.2024

LABH SINGH

...PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Balwinder Singh Chahal, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. By way of present petition, the petitioner is seeking quashing of FIR No.64 dated 30.03.2022 under Sections 354 & 354-A of IPC, registered at Police Station, Lambi, District Shri Muktsar Sahib, Punjab and all consequential proceedings arising therefrom on the basis of compromise dated 14.05.2022 (Annexure P-2), which is stated to have been effected between the parties.

2. On 31.08.2023, the following order was passed:

“By way of the instant petition, the petitioner has prayed for the quashing of the FIR bearing No.64 dated 30.03.2022 registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 354 & 354-A IPC, along-with all the consequential proceedings arising therefrom, while averring that the parties have arrived at a compromise in respect of their dispute in the present case.

Learned counsel for the petitioner, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioner and respondent No.2-complainant and now, with the intervention of the respectables, the same stands resolved/ settled amicably and the said settlement/compromise would promote peaceful, harmonious and cordial relations between them.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Mr. Balwinder Singh Chahal, Advocate, has also put in appearance on behalf of respondent No.2-complainant in this case and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of the said respondent and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 05.09.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 02.11.2023 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise;*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case;*
- 3. the name(s) of the complainant and injured/ aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 4. the stage of the trial/proceedings;*
- 5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;*
- 6. whether any other criminal case is pending against any of the accused.*

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.”

3. Pursuant to the aforesaid order, report dated 18.09.2023 from Judicial Magistrate Ist Class, Malout, Sri Muktsar Sahib has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“A separate statement of accused Labh Singh also been recorded in which he has stated that the present FIR has been registered on the basis of the statement of the complainant Bawandeep Kaur against him. He further further stated that he has arrived at a compromise in this matter with the complainant with the intervention of the village Panchayat. He has further stated that the matter has been amicably sorted out between him and the complainant. He has further stated that he has no grudge with the complainant. He has further stated that the compromise is voluntarily, without any pressure, coercion, with the other party and with his own sweet will. He has further stated that he is only one accused involved in the present case and no PO proceedings are pending against any person in the present case. He further stated that no other person is absconding in the present case. He has further stated that present case is at the stage of prosecution evidence. He has further stated that only victim/complainant namely Bawandeep Kaur in the present case. He further stated that

there is no other criminal case is pending against the him except the above said case.

In order to prove their identity, both the parties have placed on file their identity proof. Both parties are identified by their respective counsels. This court is satisfied that aforesaid statements made by the parties are voluntarily and their compromise has been arrived at genuine, voluntarily, threat, without any coercion or undue influence from either side. ASI Harvinder Singh (Investigating Officer of the present case) recorded as per record only one accused involved in this present FIR case. No PO Proceedings are pending against any person who are involved in the present case. No accused is absconding in the present case. He further stated that there is only one victim/complainant/aggrieved person/injured namely Bawandeep Kaur in the present case. He further stated that the present case is at the stage of prosecution evidence. He further stated that no other criminal case is pending against the accused except the above said case.

Report is hereby forwarded to your good self along with copies of statements of complainant, accused as well as identification proof, as ordered by your good self."

4. Learned counsel for respondent No.2 admits the factum 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 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. Learned counsel for the parties, in support of their contentions have relied upon the following judgments :-

- i) Ranjeet Kumar versus State of H.P. & Ors. in case CRM-M-648 of 2023 decided on 08.12.2023 by the High Court of Himachal Pradesh, Shimla.*
- ii) Arif Khan versus The State and another in case W.P. (CRL) 1064/2023 decided on 09.01.2024 by the High Court of Delhi at New Delhi.*
- iii) Sukhchain Singh and others versus State of Punjab and others 2021(4) R.C.R. (Criminal) 81.*
- iv) Ananda DV Vs. State and another 2021 SCC Online SC 3423.*

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) 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) As per the report received the compromise is said to be voluntary in its nature.*
- (iv) Complainant/victim is reported to have entered into compromise on his own volition.*

10. Consequently, the petition is allowed. FIR No.64 dated 30.03.2022 under Sections 354, 354-A of IPC, registered at Police Station, Lambi, District Shri Muktsar Sahib, Punjab and all consequential proceedings arising therefrom on the

basis of compromise dated 14.05.2022 (Annexure P-2), are, hereby, quashed qua the petitioner.

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

(SUMEET GOEL)
JUDGE

April 01, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No