

Cr.P.C the petitioners seek quashing of FIR No.80 dated 24.10.2021 registered under Sections 326, 325, 324, 323, 148, 149 and 506 IPC at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur on the strength of a written compromise (Annexure P-2) entered into between the parties.

The petitioners as also respondents No.2 to 5 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 30.01.2023 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise. if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 14.05.2023.”

3 Despite the aforesaid order, two more opportunities have been granted to the petitioners vide order dated 20.11.2023 and 19.01.2024.

4 Pursuant to the aforesaid orders, reports dated 29.01.2024 and 31.05.2023 have been received from Judicial Magistrate 1st Class, Batala, which are taken on record. As per the report, the Trial Court has recorded as follows:-

1. *“With respect to the subject cited above, I have the honour to submit that in pursuance of the above-mentioned order passed by Hon'ble in the Court and got recorded his statement. It is pertinent to mention that the remaining respondents as well as the accused/petitioners have already got recorded their statements on 30.05.2023 and the report regarding the same has already been sent to the Hon'ble High Court. After perusing the*

statement of respondent no. 4, this Court is satisfied that complainant has effected the compromise with the accused with his own free will and without any coercion or pressure from any corner and same is found genuine.

Accordingly, report is being submitted to your goodself for further proceedings.”

AND

2. *“With respect to the subject cited above, I have the honour to submit that in pursuance of the above-mentioned order passed by Hon'ble High Court, both the parties were directed to appear before the Illaqa Magistrate/Trial Court to record their statements with regard to compromise on 30.05.2023. It is humbly submitted that complainant-respondent no. 2 Jagjeewan Singh son of Amarbir Singh, respondent no. 3 Ranbir Singh son of Ajit Singh, both residents of Village Bharathwal, Riali Khurd, Tehsil Batala, District Gurdaspur and respondent no. 5 Thakur Singh son of Mukhtar Singh, resident of village Riali Khurd, Tehsil Batala, District Gurdaspur as well as all the accused/petitioners appeared in the Court but complainant namely Palwinder Singh son of Ajit Singh resident of Village Bharathwal, Riali Khurd has not appeared for recording his statement before this Court. Therefore, the report regarding the genuineness of the compromise between the parties could not be prepared. This is for your kind perusal and information please.”*

5 Learned counsel for respondent Nos.2 to 5 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.

6 Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (**Annexure P-2**).

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

8 This Court and Apex Court has repeatedly dealt with the issue of exercise of jurisdiction under Section 482 of the Code to quash proceeding recognizing compromise between parties 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 wiser 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.

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) 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.

10 Consequently, the petition is allowed. FIR No.80 dated 24.10.2021 registered under Sections 326, 325, 324, 323, 148, 149, 506 of IPC, at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur and all proceedings arising therefrom are hereby, quashed *qua* the petitioners.

11 Pending applications, if any, shall stand disposed off.

12.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No