

278 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-48581-2022  
Date of decision : 18.01.2024.

PRITPAL SINGH  
STATE OF HARYANA AND ANOTHER

V/S  
....PETITIONER  
....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pawandeep Singh, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Ms. Mehak Sawhney, Advocate  
for respondent No.2.

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PANKAJ JAIN, J. (ORAL)

1 By way of present petition, the petitioner is seeking quashing of  
FIR No.0233 dated 04.05.2019 registered under Sections 279/337 IPC,  
(Section 338 IPC added later on) at Police Station Ambala Cant, District  
Ambala and all consequential proceedings arising therefrom on the basis of  
compromise.

2 On 22.05.2023, the following order was passed:

“Ms. Mehak Sawhney, Advocate has put in appearance on  
behalf of respondent No.2.

Learned counsel for the petitioner has contended that the  
parties have compromised the matter and as such the present FIR is  
liable to be quashed.

Learned counsel for respondent No.2 has endorsed the  
contention raised by learned counsel for the petitioner and has not  
denied the factum of compromise effected between the parties.

Adjourned to 04.07.2023.

In the meanwhile, both the parties are directed to appear before  
the concerned trial Court/Illaq Magistrate on 04.09.2023 for  
recording their statements, who shall record their respective  
statements with regard to the genuineness/correctness of the

compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing.”

3        Thereafter on 17.08.2023, the following order was passed by the Coordinate Bench of this Court:-

**“CRM-28509-2023**

Prayer in this application filed under Section 482 Cr.P.C. is for preponing the application seeking correction of inadvertent typographical error in the order dated 22.05.2023.

Upon notice, learned State counsel submits that respondent No.1- state has no objection in case the date of application seeking correction is advanced. Learned counsel appearing for respondent No.2 submits on the same lines.

Accordingly, the present application is allowed and hearing of CRM-25603-2023 is advanced to today and with the consent of learned counsel for the parties, same is taken up for hearing.

CRM stands disposed of.

**CRM-25603-2023**

Prayer in this application filed under Section 482 Cr.P.C. is for correction of inadvertent error stated to have occurred in the order dated 22.05.2023. The said order reads as follows:-

“Ms. Mehak Sawhney, Advocate has put in appearance on behalf of respondent No.2.

Learned counsel for the petitioner has contended that the parties have compromised the matter and as such the present FIR is liable to be quashed.

Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 04.07.2023.

In the meanwhile, both the parties are directed to appear before the concerned trial Court/Illaq Magistrate on 04.09.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties.

It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The trial Court/Illaq Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.

The State to file status report before the next date of hearing”

Notice of the application.

Mr. Gurbir S. Dhillon, A.A.G., Haryana, accepts notice on behalf of respondent No.1-State and Ms. Deepali Verma, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for the respondents submit that they do not wish to file any reply as the facts are not in dispute.

Learned counsel for the petitioner submits that in the order dated 22.05.2023, the date for appearing before the concerned trial Court/Illaq Magistrate has been inadvertently typed as 04.09.2023 i.e. the date when the matter was to be posted before this Court instead of 04.07.2023. It has also been pointed out that vide order dated 04.07.2023, main case stands adjourned to 22.11.2023.

For the reasons mentioned in the application supported by an affidavit of the petitioner-applicant and the factual position having been conceded by counsel for the respondents, the instant application is disposed with the direction that the private parties would put in appearance before the concerned Court on 04.09.2023 for recording their statements in terms of previous order dated 22.05.2023 and the said Court will send its report expeditiously. It is, however, clarified that in case the statements are not recorded on 04.09.2023, the same be recorded on a date convenient to the concerned Court within the same month.

CRM stands disposed of.”

4 Pursuant to the aforesaid order, report dated 27.09.2023 from Additional Chief Judicial Magistrate, Amabala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In compliance of aforesaid order, the complainant/victim namely Amarjeet Singh and accused Pritpal Singh duly identified by their counsel appeared before the undersigned on 04.09.2023, and got recorded their statements, wherein, they have stated that the compromise was effected without any pressure, undue influence and coercion. It is further submitted that as per statement of ASI Resham Singh, IO of the case, there is only one accused namely Pritpal Singh and the accused is not

involved in any other FIR and the accused has never been declared proclaimed offender in any other of criminal case.”

5            Learned counsel for respondent No.2 admits the fact of parties having compromised and states that she has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

6            Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-3).

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 29<sup>th</sup> 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.0233 dated 04.05.2019 registered under Sections 279/337 IPC, (Section 338 IPC added later on) at Police Station Ambala Cant, District Ambala and all consequential proceedings arising therefrom are, hereby, quashed *qua* the petitioner.

18.01.2024  
smriti

(PANKAJ JAIN)  
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

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No