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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.45634 of 2023
Date of decision : 13.02.2024.

Jagdeep Singh @ Deep and anr.

...Petitioners

Versus

State of Punjab and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. PS Dhaliwal, Advocate
for the petitioners.

Mr. Jasjit Singh, DAG Punjab.

Mr. Supneet Singh, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

1 By way of present petition, the petitioners are seeking quashing
of FIR No.124 dated 16.12.2022 registered under Sections 308, 34 of IPC
at Police Station Tapa Mandi, District Barnala, and all consequent
proceedings arising therefrom on the basis of compromise.

2 On 25.09.2023, the following order was passed:

“This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No,124 dated 16.12.2022, registered under Sections 308 and 34 of Indian Penal Code, at Police Station Tapa Mandi, District Barnala and all subsequent proceedings arising therefrom on the basis of the compromise.

Learned counsel relies on orders passed by the Coordinate Bench of this Court in Mandeep Singh @ Bunty vs. State of Punjab and anr., CRM-M-36566-2023, Rupinder Singh @ Binder vs. State of Punjab and anr., CRM-M-39367-

2019, Sandeep Kumar vs. State of Haryana and ors., CRM-M-28183-2023, wherein FIR registered under Section 308 IPC as is the instant case were quashed on the basis of compromise.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Supneet Singh, Advocate appears on behalf of respondent No.2 and admit that the compromise has been effected between the parties.

In view of the submissions made on behalf of the parties, they are directed to appear before the Illaqa Magistrate for recording their statements qua the compromise within a period of 15 days.

The trial Court/Illaqa Magistrate is directed to record the statements of the parties and submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

Adjourned to 08.11.2023.”

3 Pursuant to the aforesaid order, report dated 06.11.2023 from Addl. Chief Judicial Magistrate, Barnala has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“In pursuance of the order dated 25.09.2023 passed in CRM-M-45634-2023 by the Hon'ble High Court, complainant Bobby son of Ramesh Kumar, Accused Jagdeep Singh@Deep son of Amarjit Singh resident of Karam Chand Patti, Gharaili, District Bathinda and Gurdeep

Singh@ Deepa son of Kulwant Singh resident of Vidhata Tehsil Tapa District Barnala appeared in the Court on 06.10.2023 and got recorded their statements to the effect that they have compromised the matter with the intervention of respectables without any pressure or coercion and have no objection if present FIR is quashed and parties are remain bound and comply with all the terms and conditions contained in the settlement. Which is Ex. PX.

It is further submitted that on 20.10.2023 ASI Karamjit Singh, Investigating Officer has appeared in the Court and made statement that no PO proceedings are pending nor any of accused were declared PO. No other case has been registered or pending against above said accused have been declared PO in the present case.

From the above said statements suffered before and as per the record available with this Court, I am to make the requisite report as follows:

- 1. Apart from the petitioners namely Jagdeep Singh and Gurdeep Singh, no other persons are arrayed as accused.*
- 2. None of the accused has been declared proclaimed offender so far.*
- 3. The compromise between the parties is genuine, voluntary and without any coercion or undue influence.*
- 4. The parties are not involved in any other case.*
- 5. The statement of the complainant and victims have been recorded.*

Report is being submitted accordingly.”

4 Learned counsel for respondents 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-2**).

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

7 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.

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) 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.

9 Consequently, the petition is allowed. FIR No.124 dated 16.12.2022 registered under Sections 308, 34 of IPC at Police Station Tapa Mandi, District Barnala and all proceedings arising therefrom, are, hereby, quashed *qua* the petitioners.

13.02.2024
spn

(PANKAJ JAIN)
JUDGE

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