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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49213-2022 (O&M)
Date of Decision: 29.01.2024

SATNAM RAM

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Krishan Kanha, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG, Punjab.
Mr. Sanjeev Kumar Bawa, Advocate for respondent No.2.
...

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR bearing No.105 dated 10.10.2020, under Sections 498-A/406 IPC, registered at Police Station Patara Jalandhar Rural, District Jalandhar and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 23.08.2022 (Annexure P-2), which is stated to have been effected between the parties.
- 2 On 30.10.2023, the following order was passed:

“1. Petitioner is seeking to quash the FIR bearing No.105 dated 10.10.2020, under Sections 498-A/406 IPC, registered at Police Station Patara Jalandhar Rural, District Jalandhar on the basis of compromise as having been effected between the parties.

2. Learned counsel for the petitioner contends that the allegations were levelled in the complaint against the petitioner and other family members but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 14.07.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 23.08.2022 (Annexure P-2). The marriage

of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 08.09.2022 passed by the learned Family Court Jalandhar. Respondent No.2 has received all her articles of Istri Dhan and permanent alimony. No other case is pending between the parties.

3. Learned counsel for respondent No.2 has acknowledged the fact of compromise.

4. The parties are directed to appear before the learned Illaqa Magistrate/Trial Court for recording their statements with regard to compromise/settlement on 14.11.2023. It is made clear that if for any reason, the statements are not recorded on that date, the same may be recorded on any date convenient to the Court concerned.

5. The learned Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information:

- 1. Number of persons arraigned as accused in FIR;*
- 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 case 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.*
- 6. To await the report, list again on 14.12.2023.”*

3. Pursuant to the aforesaid order, report dated 06.12.2023 from Id. JMIC, Jalandhar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“The report as per the statement of the parties, the report as directed by the Hon'ble High Court is submitted as under:-
i) In the present case, only one accused arrayed in FIR.

(ii) As per the statement of investigating officer, accused is not proclaimed offender.

(iii) This court, after hearing the parties in person and after going through the statements recorded in the court is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure and coercion.

(iv) As per the statement of investigating officer, no other

FIR/case is pending either of the parties.

(v) As per the statement of IO of the present case, there is only one complainant Rajwinder Kaur in the present FIR.”

4. Learned counsel 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 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 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.*

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) *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.

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Consequently, the petition is allowed. FIR bearing No.105
dated 10.10.2020, under Sections 498-A/406 IPC, registered at Police
Station Patara Jalandhar Rural, District Jalandhar and all consequent
proceedings arising therefrom on the basis of compromise/affidavit dated
23.08.2022 (Annexure P-2), is, hereby, quashed qua the petitioner.

29.01.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No