

126

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

CRM-M-46455-2023 (O&M)

Date of Decision: 19.01.2024

DALJEET SINGH**.. Petitioner****Vs.****STATE OF PUNJAB AND ANOTHER****..Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Salinder Kumar Saini, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab

Mr. Chetan Kapoor, Advocate for respondent No.2.

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SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No.89 dated 15.10.2022 under Sections 498-A/406 of IPC, registered at Police Station, Women Cell, District Patiala and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 27.03.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 15.09.2023, the following order was passed:

“By way of the instant petition, the petitioner has sought the quashing of the FIR bearing No.89 dated 15.10.2022 registered at Police Station Women Cell, District Patiala, under Sections 406 and 498-A IPC (wherein the offence under Section 323 IPC is stated to have been added lateron), along-with all the consequential proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement/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-husband and respondent No.2-wife but now, with the intervention of the Mediator at the Mediation and Conciliation Centre of this Court, the same stands settled/resolved amicably and the said compromise would promote cordial, peaceful and harmonious 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 present petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Mr. Chetan Kapoor, Advocate has put in appearance on behalf of respondent No.2 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 his client 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 01.12.2023 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 18.01.2024 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. A demand draft dated 15.01.2024 for a sum of Rs.6,50,000/- has been handed over by learned counsel for the petitioner to learned counsel for respondent No.2. A xerox of the said demand draft is taken on record.
4. Pursuant to the aforesaid order, report dated 08.12.2023 from JMIC, Patiala has been received, which is taken on record.

As per the report, the Trial Court has recorded as follows:-

“The number of the accused persons arraigned in the FIR and how many of them have appeared and have made statements qua the compromise?”

So, as to give opinion regarding number of persons arrayed as accused in the present FIR, this Court has recorded the statement of ASI Mander Singh, No.2483/PTL, posted at Police Station Women, Patiala. As per his statement,

in the present case ie. as per the FIR No.89 dated 15.10.2022 under sections 406, 498A, 323 IPC, Police Station Women Cell, Patiala, accused Daljeet Singh has been arrayed as accused. Thereafter, on dated 24.4.2023, accused namely Raj Rani and Manjeet Kaur have also been arrayed as accused. Accused Daljit Singh has appeared and has made statement qua the compromise.

2. Whether any accused is absconding or has been declare PO/Proclaimed Person in this case?

As per statement of ASI Mander Singh, No.2483/PTL, accused Daljeet Singh has never declared as proclaimed offender in this case or in any other criminal case.

3. The name(s) of complainant and injured aggrieved and whether all of them have appeared and made their statements in support of the compromise?

In the present case, only Sucheta Rani is complainant/victim and she appeared in the court for recording of her statement in support of the compromise. There is no injured/aggrieved in the present case.

4. The stage of the trial/proceedings?

Challan of the present case has not been presented as yet.

5. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Yes, the compromise arrived between the parties is genuine, voluntary and made out of free will of the parties.

Complainant Sucheta Rani and accused Daljeet Singh have suffered separate statements to the effect that they have compromised the matter with each other without their being any pressure, coercion or undue influence. Complainant Sucheta has also stated in her statement that she has received draft bearing No.525187 dated 28.11.2023 of Rs.6,50,000/- in the court as per settlement/compromise. As per the statement of complainant Sucheta Rani and accused Daljeet Singh compromise is genuine one, voluntarily and without any coercion.

From the statements of the parties, this Court is of the opinion that matter has been amicably settled between the petitioner/accused namely Daljeet Singh and complainant Sucheta Rani. The said compromise is genuine, voluntary and is without any coercion or undue influence.

6. Whether any other criminal case is pending against any of the accused?

As per statement of ASI Mander Singh, No.2483/PTA, no other criminal case/FIR is pending against accused Daljeet Singh."

5. 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 petitioner is 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 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.*

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) 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.89 dated 15.10.2022 under Sections 498-A/406 of IPC, registered at Police Station, Women Cell, District Patiala and all consequent proceedings arising therefrom on the basis of compromise/affidavit dated 27.03.2023 (Annexure P-2), is, hereby, quashed qua the petitioner.

19.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No