

289

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48622-2023 (O&M)
Date of Decision : April 02, 2024

Lovepreet Singh alias Labha and others

.....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ankit Kharbanda, Advocate
for the petitioner(s).

Mr. J.S.Arora, DAG, Punjab.

Mr. Rahi Mehra, Advocate
for respondent Nos.2 and 3.

PANKAJ JAIN, J. (Oral)

1 By way of present petition, the petitioners are seeking quashing of FIR No.0094 dated 22.08.2023 registered under Sections 452, 323, 427 and 149 of IPC, 1860 at Police Station Sultanwind, District Amritsar and all consequent proceedings arising therefrom on the basis of compromise dated 15.09.2023 (Annexure P-2).

2 On 06.12.2023 the following order was passed:

“Learned counsel for the petitioners contends that the matter already stands compromised vide Annexure P-2.

Mr. Rahi Mehra, Advocate appears and accepts notice on behalf of respondents No.2 & 3 and admits the fact of there being a compromise between the parties.

In view of the above, both the parties are directed

to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 08.01.2024. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

- 1. Number of persons arrayed as accused in the 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.*

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Duty Magistrate/Illaq Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.

Adjourned to 02.04.2024.”

3 Pursuant to the aforesaid order, report dated 01.02.2024 from Judicial Magistrate 1st Class, Amritsar has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“I have the honour to submit that in compliance to the order dated 06.12.2023 passed by Hon'ble Punjab & Haryana High Court. Chandigarh in above said petition bearing No. CRM-M-48622 of 2023, the complainant/respondents Gurmeet Singh and Rajwant Kaur and accused petitioners namely, Lovepreet Singh @ Labha, Narinder Singh @ Sabha, Rajat @ Pamma Suniara, Satpal Singh @ Bhola, Malkit Singh @ Sonu and Dheera Singh @ Dheera appeared before

the court of undersigned alongwith their counsels on 08.01.2024.

2. It is respectfully submitted that statements regarding compromise have been recorded separately In their statement, complainant respondent no.2 namely Gurmeet Singh stated that present FIR was registered at his instance against above said accused persons/petitioners. Now the matter has been compromised between them. Complainant/respondent no.2 further stated that he does not want to proceed further with the present case against the said persons and he has no objection, if the aforesaid FIR is quashed qua the above- said accused/petitioners. The complainant/respondent no.2 further submitted that the compromise is genuine, voluntarily and without any coercion or undue influence and arrived at between them with their free will. No accused has been declared Proclaimed offender in the present case. There is another victim in the present FIR i.e. respondent no.3 namely Rajwant Kaur, who also stated that the matter has been compromised between them and she does not want to proceed further in the present case.

3. Thereafter, separate statements of abovesaid accused persons namely Lovepreet Singh @ Labha, Narinder Singh @ Sabha, Rajat @ Pamma Suniara, Satpal Singh @ Bhola, Malkit Singh @ Sonu and Dheera Singh @ Dheera regarding compromise have also been recorded. They in their statements submitted that the compromise arrived at between them and the complainant/respondents with the intervention of respectables for the betterment of the parties and to end the future enmity/conflict between the parties. The compromise is genuine, voluntary and out of the free will. Both the parties also submitted their identity proofs and they have also been identified by their counsels. The statement of Investigating officer namely Sharanjit Singh, No. 3635/ASR, PS Sultanwind, Amritsar has also been recorded on 08.01.2024 who has stated that except the petitioners no other accused was nominated in the present case. The challan has not been presented in the present case. No accused has been declared PO in the present case. There is no other complainant in the present FIR except respondent no. 2 Gurmeet Singh.

4. It is further submitted that while recording the statements of both the parties, it has been ensured that in the present FIR, the accused persons/petitioners and complainant/respondents have appeared before the court along with their counsels. As per statements of complainant/respondents and accused/petitioners, the compromise

has been arrived at between them. The compromise is genuine. voluntary and without any pressure, being outcome of their free will. There is no other accused and no other victim/complainant in the present case. As per the statement of accused persons, there are two other FIRS No.72/2021 and No.118/2021, PS Sultanwind, Amritsar lodged against accused Lovepreet Singh @ Labha. Accused Narinder Singh @ Sabha is also involved in two other FIRs No.72/2021 and No.118/2021, PS Sultanwind, Amritsar. Accused Rajat @ Pamma Suniara also involved in one another FIR No.185/2022, PS Sultanwind, Amritsar and accused Satpal Singh @ Bhola involved in one another FIR No.285/2020 PS Chattiwind, Amritsar. Accused/petitioners Malkit Singh @ Sonu and Dheera Singh Dheera are not involved in any other FIR except the present case. As per the statement of investigating officer, challan has not been presented in the present case. No accused has been declared Proclaimed Offender in the present case and there is no other accused nominated in the present case except the petitioners. There is no other complainant victim except the respondents. The statements of parties are attached for kind perusal.”

4 Learned counsel for respondent Nos.2 and 3 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.0094 dated 22.08.2023 registered under Sections 452, 323, 427 and 149 of IPC, 1860 at Police Station Sultanwind, District Amritsar and all proceedings arising therefrom are hereby quashed *qua* petitioners.

10 Pending applications, if any shall stand disposed off.

(PANKAJ JAIN)
JUDGE

02.04.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No