

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

**CRM-M-50169 of 2023
DATE OF DECISION :- 23.01.2024**

Sandeep Bhatti **...Petitioner**

Versus

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Shehbaz Thind, Advocate for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.
Mr. Amandeep Singh, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. By way of present petition, the petitioner is seeking quashing of FIR No. 0067 dated 20.08.2017 under Sections 406,498-A of IPC, registered at Police Station, Women, District Police Commissionerate Ludhiana and all consequent proceedings arising therefrom on the basis of compromise dated 18.09.2023 (Annexure P-2), which is stated to have been effected between the parties.

2 On 28.11.2023, the following order was passed:

“Prayer in this petition is for quashing of FIR No.0067 dated 20.08.2017 (Annexure P-1) registered under Sections 406 and

498-A of IPC at Police Station Women, District Police Commissionerate, Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 18.09.2023 (Annexure P-2) having been arrived at between the parties.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of respondent No.1-State.

Mr. Amandeep Singh, Advocate accepts notice on behalf of respondent No.2 and has filed his power of attorney, which is taken on record. He also admits the factum of compromise arrived at between the parties.

List on 17.01.2024.

In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to compromise on 19.12.2023 or any other convenient date to the Court.

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

- 1. The number of persons arrayed as accused.*
- 2. Whether any accused is/are proclaimed offender/s or proclaimed person/s.*
- 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/criminal case.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer with regard to the number of victims/complainants and the accused in the present case.”*

3. Pursuant to the aforesaid order, report dated 11.01.2024 from Judicial Magistrate Ist Class, Ludhiana 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 vide order dated 28.11.2023 passed by Hon'ble High Court of Punjab and Haryana, Chandigarh, the court of undersigned was directed to record the statements of the parties with regard to compromise and to submit the report.

On 19.12.2023 complainant Kulwinder Bhatti alias Indu has appeared in the court and suffered a statement that present case bearing FIR No. 67 dated 20.08.2017, under Sections 406,498-A of IPC, PS Women Cell, Ludhiana was registered on her statement and now she has compromised the matter with the accused namely Sandeep Bhatti voluntarily out of her sweet will, without any pressure or any coercion from any part. She has no objection if the above said FIR against the accused person namely Sandeep Bhatti be quashed.

In addition, On 19.12.2023 accused Sandeep Bhatti appeared and he has also suffered a statement that present case bearing FIR No. 67 dated 20.08.2017, under Sections 406,498-A of IPC, PS Women, Ludhiana was registered on the statement of Kulwinder Bhatti alias Indu (complainant) and now the matter has been compromised with the complainant Kulwinder Bhatti. Further on 10.01.2024 IO appeared and suffered a statement that Kulwinder Bhatti alias Indu is the only complainant as well as injured/aggrieved person in the above said FIR. The said FIR is lodged against accused i.e. Sandeep Bhatti. There is no Proclaimed person/offender in present case and the accused person is not involved in any other FIR/Criminal Case.

From the statements, it appears that compromise has been voluntarily effected between complainant Kulwinder Bhatti alias Indu and Sandeep Bhatti The compromise appears to be genuine and without any pressure or coercion.

As desired, the report along with statements of complainant, accused and Investigating officer is submitted for kind consideration."

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 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 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) 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.*

9. Consequently, the petition is allowed. FIR No. 0067 dated 20.08.2017 under Sections 406,498-A of IPC, registered at Police Station, Women, District Police Commissionerate Ludhiana and all consequent proceedings arising therefrom on the basis of compromise dated 18.09.2023 (Annexure P-2), is, hereby, quashed qua the petitioner.

(SUMEET GOEL)
JUDGE

23.01.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No